State of Utah
GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Utah Water Quality Board Meeting
In conjunction with the Water Quality Conference
@ Marriott Springhill Suites
635 South Riverwoods Parkway
Logan, Utah
August 29, 2011

Board Meeting Begins @ 2:00 p.m.

AGENDA

A. **Water Quality Board Meeting – Roll Call**

B. (Tab 1) **Minutes:**
1. Approval of Minutes for June 22, 2011 ..... Chair Paula Doughty

C. **Executive Secretary's Report** ..... Walt Baker

D. (Tab 2) **Funding Requests:**
1. Financial Status Report ..... Ed Macauley
2. Granger-Hunter Introduction ..... Ed Macauley
3. Kearns Request for Funding ..... Lisa Nelson
4. Mona Request for Additional Funding ..... Beth Wondimu
5. UDAF funding request for Rich County ..... Carl Adams
6. UACD & Farm Bureau Request for funding ..... Don Hall

E. (Tab 3) **Rulemaking:**
1. Request to proceed to rulemaking with revisions to R317-10, Certification of Wastewater Works Operators ..... Judy Etherington
2. Adopt Pariette Draw TMDL into Rule. ..... Carl Adams & Sandy Wingert
3. Petition the board to formally adopt Emigration Creek TMDL and initiate rulemaking ..... Carl Adams
4. Request to proceed to rulemaking for R317-8-9, Pesticide Discharge Permit ..... John Whitehead

F. (Tab 4) **Other Business:**

Revised: 8/09/2011

Next Meeting – September 28, 2011
DEQ Building Board Room #1015
195 North 1950 West
Salt Lake City, Utah 84116

In compliance with the American Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Brooke Baker, Office of Human Resources, at (801) 536-4412, TDD (801) 536-4414, at least five working days prior to the scheduled meeting.

APPROVAL OF MINUTES

RULEMAKING

FUNDING REQUESTS

OTHER BUSINESS

State of Utah
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MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
DEQ Building Board Room #1015
195 North 1950 West
Salt Lake City, Utah 84116
Wednesday, June 22, 2011

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Daniel Snarr	Merritt Frey	Clyde Bunker
Leland Myers	Jeffery Tucker	Darrell Mensel
Greg Rowley	Paula Doughty	Myron Bateman
Amanda Smith		

Absent: Steve Simpson and Neal Peacock

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, John Whitehead, Ed Macauley, Bill Damery, John Cook, John Mackey, Emily Cantón, Mark Novak, Mark Schmitz, Keith Eagan,

OTHERS PRESENT

Name	Organization Representing
Marv Wilson	Sunrise Engineering
Doug Nielsen	Sunrise Engineering
Robert Worley	Sunrise Engineering
Dao Yang	Sunrise Engineering
Brian Kimball	Ephraim City
Regan Bolli	Ephraim City
Rachelle Blackham	Davis County Health Dept
Denise Chancellor	Attn General's Office
Mark Whitney	Mayor of Stockton
Lawrence Burton	City of Orem
Dee Jette	Davis County Health
Mike Lowe	Utah Geological Survey

Vice-Chair Doughty called the Board meeting to order at 9:40 a.m. and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE MAY 18, 2011 MEETING

Mr. Myers requested to add that a work meeting was held in the morning prior to the Board meeting on May 18th. Mr. Rowley noted a spelling error on page 2.

Motion: **It was moved by Mr. Rowley and seconded by Mr. Meyers to approve the minutes of the May 18, 2011 meeting with the recommended changes . The motion was unanimously approved with Mr. Bunker abstaining.**

Elections for New WQ Board Chair and Vice Chair: Ms. Doughty asked for nominations.

Motion: **It was moved by Mr. Meyers and seconded by Mr. Rowley to elect Paula Doughty Chair of the Water Quality Board. The motion was unanimously approved.**

Motion: **It was moved by Mr. Rowley and seconded by Mayor Snarr to elect Steve Simpson Vice-Chair of the Water Quality Board. The motion was unanimously approved.**

Recognition Award: Ms. Doughty read a letter from Amanda Smith, Director of the Department of Environmental Quality, thanking Mr. Olsen for his service on the Water Quality Board. Mr. Olsen was unable to attend the meeting. The letter and a DEQ jacket will be sent to him in recognition of his service.

Executive Secretary's Report: Mr. Baker told the Board that this month marks the one year anniversary since the Red Butte Oil spill occurred. At this point the division is still working with Chevron to get a satisfactory reply on the NOV issued which required Chevron to submit a Ecological Risk Assessment and a Human Health Assessment. Staff is involved with ongoing discussion with fish and wildlife, DNR, Salt Lake City and other agencies realizing it will take time for the stream to completely heal itself.

Beginning the day after Labor Day, all state agencies will return to being open from 8 a.m. to 5 p.m., Monday through Friday.

RULEMAKING:

Final Adoption with rule changes: Enact new DEQ consolidated rule R305-6, Administrative Procedures. Also Final Adoption of corresponding repeal/re-enactment of R317-9, and of amendment of current rules governing administrative procedures, R317-8-6.3, and R317-8-6.8: Ms. Chancellor from the Attorney Generals Office explained to the Board the proposed changes being made to R317-9 and the amendment of current rules governing administrative procedures, R317-8-6.3, and R317-8-6.8 included in the packet under Tab 2.

Motion: **It was moved by Mr. Myers to adopt the proposed rule changes. The motion was seconded by Mr. Bateman. The motion was approved with Mr. Bunker abstaining.**

FUNDING REQUEST

Financial Assistance Status Report – Ms. Cantón handed out two reports: 1) The Financial Statements and Reports required by the single audit act amendments of 1996, and 2) The State of Utah Water Quality

State Revolving Fund Annual Report. She also updated the Board on the "Summary of Assistance Program Funds," as outlined on page 3.1. Ms. Cantón commented that staff mailed out letters to communities with outstanding advances as requested by the Board during the May 18, 2011 work meeting.

Ephraim City Funding Request Introduction: Mr. Cook introduced Regan Bolli, City Manager of Ephraim City, Brian Kimball from Ephraim City and Robert Worley with Sunrise Engineering. Ephraim City is requesting financial assistance in the amount of a $1,001,000 loan for the construction of its 2011 Wastewater Lagoon Improvement project. The total project cost is estimated to be $1,265,000. Ephraim has already had public meetings that have discussed the February 2011 Master Plan which also discusses the project financing and raising the monthly sewer bill. Staff recommended consolidating Ephraim's existing 1999 Sewer Bond into this loan to keep rates affordable for the city. The 1999 Sewer Bond was in the amount of $2,100,000 repayable over 20 years at 3.6% interest. The principal balance of this bond is approximately $1,090,000 with nine payments remaining of approximately $149,000. The consolidated loan would be for $2,091,000 for 15 years at 3.0%.

Motion: **It was moved by Mr. Myers to authorize a consolidation loan in the amount of $2,091,000 with a repayment term of 15 years at 3.0% interest. The consolidation loan includes $1,001,000 for new construction, with the balance to pay off remaining principal on the 1999 sewer bond. The motion was seconded by Mr. Bunker and was unanimously approved.**

Stockton Town Funding Request: Mr. Mackey introduced Mark Whitney, Mayor of Stockton, and John Iverson, Marv Wilson and Dao Yang of Sunrise Engineering, Inc. Sunrise Engineering completed a geotechnical investigation of the lagoon embankment failure and issued its report on April 25, 2011. The engineering investigation concluded that the western dike of Pond Number 1 failed due to piping, i.e., internal erosion caused by seepage. The report concludes that gopher activity at the site was the principal contributor to seepage pathways that allowed piping to develop in the dike structure. Staff recommended that the Water Quality Board authorize Stockton a $970,000 grant to remedy the piping problem apparently caused by gophers. This grant replaces the previous Board authorization to set-aside $1,000,000 of State Hardship Grant funds through February 23, 2012 to remedy this problem.

Motion: **It was moved by Mr. Bateman to authorize Stockton a $970,000 grant to remedy the piping problem at the lagoon system. The motion was seconded by Mr. Bunker and was unanimously approved.**

Orem Request for Reauthorization of Funding Terms: Staff recommended that the Board reauthorize Orem City's $11,889,000 loan without the requirement to achieve ARRA compliance in order to qualify Orem's project for 2011 capitalization grant GPR credit and assist Orem to avoid the risks associated with ambiguity within Buy American requirements. The loan would not need to be re-closed, and all other terms of the loan would remain unchanged.

Motion: **It was moved by Mr. Myer's to reauthorize Orem City's $11,889,000 loan without the requirement to achieve ARRA compliance. The motion was seconded by Mr. Rowley and was unanimously approved.**

Request for Authorization to Conduct a Public Hearing for an Aquifer Classification Petition for the East Shore Area, Davis County: Mr. Novak explained to the Board that in accordance with provisions of UAC R317-6-5, the Utah Geological Survey submitted a petition to the Utah Water Quality Board on behalf of the Davis County Health Department to classify the principal basin-fill aquifer in the east shore area of Davis County, Utah. The rule allows the Board to classify entire aquifers or parts of aquifers

according to the quality of the ground water contained therein. Staff reviewed the petition and determined that the criteria were met. With the Board's approval, the Division of Water Quality will set a date for conducting a public hearing in the county and issue the required public notice. After holding the public hearing, comments and information received will be returned to the Board for the disposition of the classification petition.

Motion: **It was moved by Mr. Myer to authorize staff to initiate a public hearing in Davis County. The motion was seconded by Ms. Frey and was unanimously approved. Ms. Frey volunteered to be the hearing officer at the public hearing.**

-NEXT MEETING –
Monday, August 29, 2011
Riverwoods Conference Center – Spring Hill Suites Marriott
635 South Riverwoods Pkwy,
Logan, UT 84321

_____
Paula Doughty, Chairperson
Utah Water Quality Board

LOAN FUNDS FINANCIAL PROJECTIONS

STATE REVOLVING FUND (SRF)

	CURRENT FUND STATUS	QUARTERLY PROJECTED REVENUES AND OBLIGATIONS			
		1st Qtr FY 2012 July - Sept 2011	2nd Qtr FY 2012 Oct - Dec 2011	3rd Qtr FY 2012 Jan - Mar 2012	4th Qtr FY 2012 Apr - Jun 2012
"First Round" Funds Available					
2011 EPA Award LOC Balance	$ 5,393,709	$ 214,684	$ 214,684	$ (20,434,316)	$ (22,934,316)
20% State Match Transfer from 5260 UWLF	$ 659,975	$ -	$ -	$ -	$ -
ARRA LOC Balance	$ 694,269	$ -	$ -	$ -	$ -
Total "First Round" Funds Available	$ 6,747,953	$ 214,684	$ 214,684	$ (20,434,316)	$ (22,934,316)
Obligations (remaining draws on closed loans)					
Kearns ID	$ (825,000)	$ -	$ -	$ -	$ -
Mona City (USACE)	$ (3,063,000)	$ -	$ -	$ -	$ -
NPS "Green" Projects ARRA	$ (694,269)	$ -	$ -	$ -	$ -
Orem City ARRA	$ (981,000)	$ -	$ -	$ -	$ -
Stockton Town	$ (970,000)	$ -	$ -	$ -	$ -
Authorizations					
Coalville City (RD?)	$ -	$ -	$ -	$ -	$ (1,650,000)
Kearns ID*	$ -	$ -	$ (7,615,000)	$ -	$ -
Santaquin City (RD/STAG)	$ -	$ -	$ (6,934,000)	$ -	$ -
Projects in Planning					
Granger-Hunter ID	$ -	$ -	$ (6,100,000)	$ -	$ -
Total "First Round" Funds Obligated	$ (6,533,269)	$ -	$ (20,649,000)	$ (2,500,000)	$ (1,650,000)
"Second Round" Funds Available					
Fund 5255 Beginning Balance	$ 24,530,691	$ 22,325,691	$ 22,360,387	$ 22,955,778	$ 27,588,321
Interest Earnings at 0.6%	$ -	$ 34,696	$ 34,748	$ 34,434	$ 41,382
Loan Repayments	$ -	$ -	$ 2,120,643	$ 4,598,109	$ 3,930,653
Total "Second Round" Funds Available	$ 23,130,691	$ 22,360,387	$ 24,515,778	$ 27,588,321	$ 31,560,356
Obligations (remaining draws on closed loans)					
South Valley WRF NPS	$ (805,000)	$ -	$ -	$ -	$ -
Authorizations					
Elwood Town (USACE)	$ -	$ -	$ (1,560,000)	$ -	$ -
Total "Second Round" Funds Obligated	$ (805,000)	$ -	$ (1,560,000)	$ -	$ -
Unobligated "Second Round" Funds	$ 22,325,691	$ 22,360,387	$ 22,955,778	$ 27,588,321	$ 31,560,356
Total Unobligated SRF Amount	$ 22,540,375	$ 22,575,071	$ 2,521,462	$ 4,654,005	$ 6,976,040

*requesting authorization before Board today

UTAH WASTEWATER LOAN FUND (UWLF)

	CURRENT FUND STATUS	QUARTERLY PROJECTED REVENUES AND OBLIGATIONS			
		1st Qtr FY 2012 July - Sept 2011	2nd Qtr FY 2012 Oct - Dec 2011	3rd Qtr FY 2012 Jan - Mar 2012	4th Qtr FY 2012 Apr - Jun 2012
Funds Available					
Fund 5260 Beginning Balance	$ 4,457,562	$ 3,797,587	$ 4,369,012	$ 5,189,437	$ 4,735,764
Sales Tax Revenue	$ -	$ 896,875	$ 896,875	$ 896,875	$ 896,875
Loan Repayments	$ -	$ -	$ 249,000	$ 1,265,902	$ 731,000
Total Funds Available	$ 4,457,562	$ 4,694,462	$ 5,514,887	$ 7,352,214	$ 6,363,639
General Obligations					
20% State Match Transfer to 5255 SRF	$ (659,975)	$ -	$ -	$ -	$ -
DWQ Administrative Expenses (TMDL, etc.)	$ -	$ (325,450)	$ (325,450)	$ (325,450)	$ (325,450)
Obligations (remaining draws on closed loans)					
(none)	$ -	$ -	$ -	$ -	$ -
Authorizations					
Ephraim	$ -	$ -	$ -	$ (2,091,000)	$ -
Projects in Planning					
Green River	$ -	$ -	$ -	$ (200,000)	$ -
Manti	$ -	$ -	$ -	$ -	$ (1,000,000)
Total Funds Obligated	$ (659,975)	$ (325,450)	$ (325,450)	$ (2,616,450)	$ (1,325,450)
Total Unobligated UWLF Amount	$ 3,797,587	$ 4,369,012	$ 5,189,437	$ 4,735,764	$ 5,038,189

printed 8/10/2011

HARDSHIP GRANT FUND FINANCIAL PROJECTIONS

HARDSHIP GRANT FUND (HGF)

(combined annual revenues $2,788,903)

	CURRENT FUND STATUS	QUARTERLY PROJECTED REVENUES AND OBLIGATIONS			
		1st Qtr FY 2012 July - Sept 2011	2nd Qtr FY 2012 Oct - Dec 2011	3rd Qtr FY 2012 Jan - Mar 2012	4th Qtr FY 2012 Apr - Jun 2012
"Federal" Hardship Grant Funds Available					
Fund 5250 Beginning Balance	$ 13,404,078	$ 8,728,614	$ 5,731,305	$ 5,855,460	$ 6,789,936
Interest Earnings at 0.6%	$ -	$ 13,093	$ 8,597	$ 8,783	$ 10,185
Transfers - SRF Loan HGA Payments	$ -	$ 529,530	$ 104,555	$ 728,136	$ 1,065,636
Hardship Advance Repayments	$ -	$ -	$ -	$ -	$ -
Total "Federal" Grant Funds Available	$ 13,404,078	$ 9,271,236	$ 5,844,457	$ 6,592,379	$ 7,865,757
"State" Hardship Grant Funds Available					
Fund 5265 Beginning Balance	$ 1,264,990	$ -	$ -	$ -	$ -
Interest Earnings at 0.6%	$ -	$ -	$ -	$ -	$ -
Transfers - UWLF Interest Earnings at 0.6%	$ -	$ 5,696	$ 6,554	$ 7,784	$ 7,104
Transfers - UWLF Loan Interest Payments	$ -	$ 79,872	$ 4,450	$ 189,772	$ 86,952
Hardship Advance Repayments	$ -	$ -	$ -	$ -	$ -
Total "State" Grant Funds Available	$ 1,264,990	$ 85,568	$ 11,004	$ 197,556	$ 94,056
Authorized Obligations					
Blanding City - Planning Advance	$ (39,900)	$ -	$ -	$ -	$ -
Coalville City - Planning Advance	$ -	$ (25,000)	$ -	$ -	$ -
Coalville City - Construction Grant	$ -	$ -	$ -	$ -	$ (2,967,000)
Elwood Town - Construction Grant	$ -	$ 69,000	$ -	$ -	$ -
Green River - Planning Advance	$ -	$ (23,000)	$ -	$ -	$ -
Manti City - Planning Advance	$ (20,000)	$ -	$ -	$ -	$ -
Mona City*	$ -	$ (1,400,000)	$ -	$ -	$ -
Perry/Willard - Operating Grant/4yr Set-Aside		$ (2,246,500)	$ -	$ -	$ -
Willard City - Construction Grant	$ (101,000)	$ -	$ -	$ -	$ -
Projects in Planning					
(none)	$ -	$ -	$ -	$ -	$ -
Authorized NPS Obligations					
FY 2009 - Remaining Payments	$ (372,149)	$ -	$ -	$ -	$ -
FY 2010 - Remaining Payments	$ (314,824)	$ -	$ -	$ -	$ -
FY 2011 - Remaining Payments	$ (3,073,695)	$ -	$ -	$ -	$ -
FY 2012 - Remaining Payments*	$ (2,018,887)	$ -	$ -	$ -	$ -
FY 2013 - Allocation	$ -	$ -	$ -	$ -	$ -
Total "State" Grant Funds Obligated	$ (5,940,454)	$ (3,625,500)	$ -	$ -	$ (2,967,000)
Total Unobligated HGF Amount	$ 8,728,614	$ 5,731,305	$ 5,855,460	$ 6,789,936	$ 4,992,812

*includes NPS projects requesting authorization before Board today

printed 8/10/2011

Application Number: _____
Date Received: July 5, 2011
Date to be presented to the WQB: August 29, 2011

WATER QUALITY BOARD
FEASIBILITY REPORT FOR WASTEWATER TREATMENT PROJECT
INTRODUCTION

APPLICANT:	Granger-Hunter Improvement District 2880 South 3600 West West Valley City, Utah 84119 Telephone: (801) 968-3551
PRESIDING OFFICIAL:	Clint Jensen, General Manager
TREASURER/RECORDER:	Brad Jeppson, Controller
DISTRICT ENGINEER:	Brad Paxman Telephone: (801) 968-3551
FINANCIAL ADVISOR:	Dustin Matsumori, First VP George K. Baum & Company 15 West South Temple, Suite 1090 Salt Lake City, Utah 84101 Telephone: (801) 538-0351
BOND COUNSEL:	Randy Larsen, Partner Ballard Spahr, LLP 201 South Main Street, Suite 600 Salt Lake City, Utah 84111 (801) 531-3000

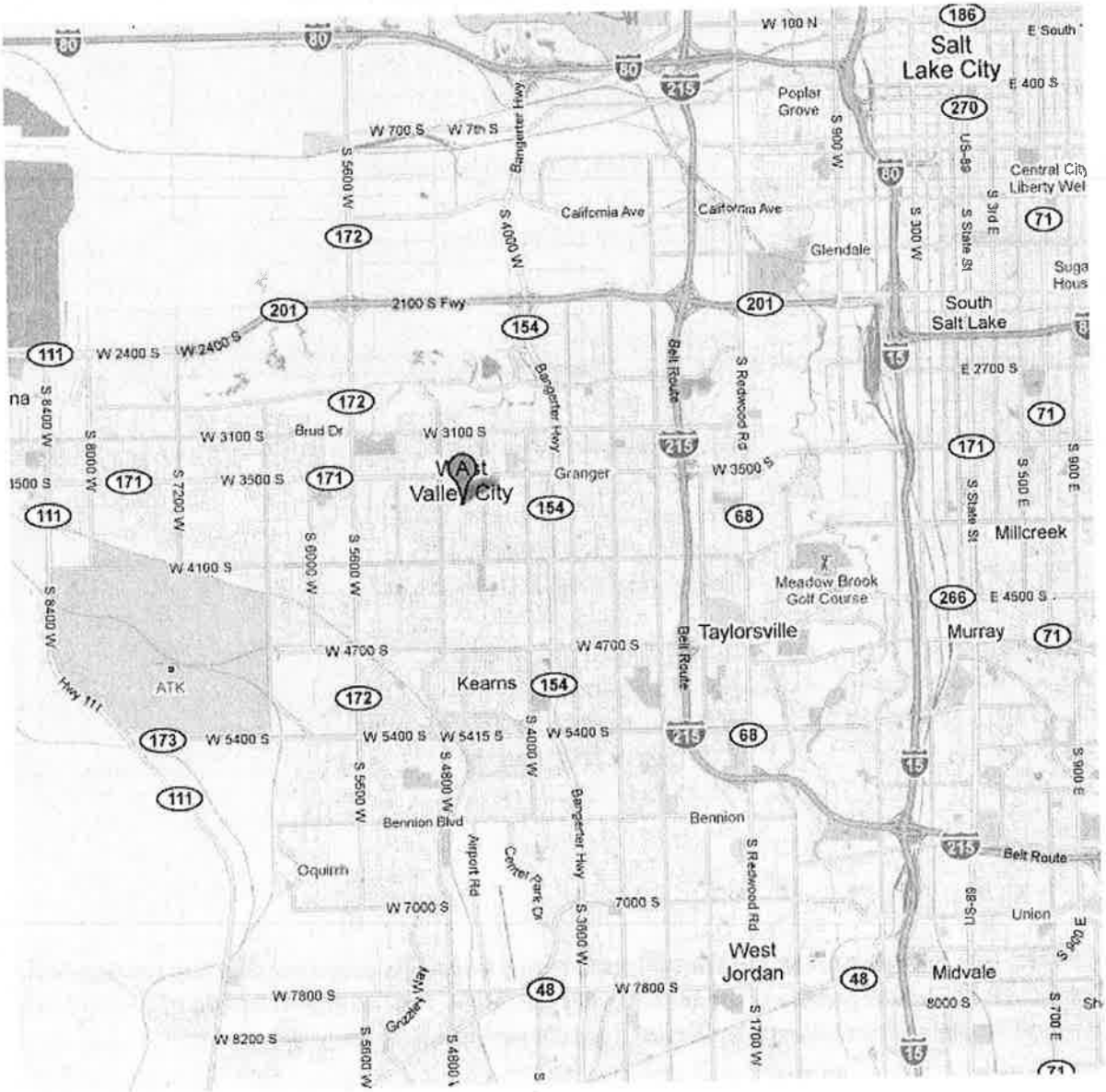
APPLICANT'S REQUEST:

Granger-Hunter Improvement District is requesting financial assistance in the amount of a $6,100,000 loan with a repayment term of 20 years at 2.5% for the construction of its 2011 Old Main Pump Station and Collection System Improvements Project.

APPLICANT'S LOCATION:

Granger-Hunter Improvement District (GHID) is located in West Valley City in Salt Lake County.

MAP OF APPLICANT'S LOCATION



BACKGROUND:

GHID encompasses approximately 24.5 square miles. Existing land uses in GHID consist primarily of industrial, commercial, and, residential areas. The 2010 population estimate for GHID is 120,000 (26,200 ERUs). Currently sewage is collected and delivered to Central Valley Water Reclamation Facility (CVWRF) for treatment.

PROJECT NEED:

In GHID, sewage is collected in 8" to 40" diameter pipes. Many of these pipes are aging and are in need of repairing. The GHID has two pump stations to assist in delivering the sewage to CVWRF. The Old Main Pump Station is well beyond its design life and requires complete replacement.

ALTERNATIVES EVALUATED:

The consulting engineers evaluated the following treatment alternatives for GHID:

1. No action.
2. Consolidate flows into one pump station.
3. Abandon Old Main Pump Station.
4. Upgrade Decker Main Pump Station.
5. Construct a new Pump Station.
6. Reconstruct both the Decker and Old Main Pump Stations

Initial study results indicated that the consolidation of the two pump stations into a single pump station located north of the existing Decker Main Pump Station (Alternative 2). However, upon further review with District staff, it was determined that the interests of the District would be best served by the reconstruction and continued use of the existing, independent wastewater pump stations, Alternative 6.

POSITION ON PROJECT PRIORITY LIST:

This project is ranked 8th of 26 projects on the Wastewater Treatment Project Priority List.

POPULATION GROWTH:

While some population growth is anticipated inside the GHID boundaries, significant increases in growth and flow are not anticipated for the Old Main Pump Station. Therefore the capacity of the Old Main Pump Station is not being increased.

PUBLIC PARTICIPATION AND DEMONSTRATION OF PUBLIC SUPPORT:

GHID has a public meeting scheduled to discuss the Old Main Pump Station project on August 16, 2011.

IMPLEMENTATION SCHEDULE:

Apply to WQB for Funding:	July 5, 2011
Public Meeting	August 16, 2011
90% Design Complete	August 25, 2011
WQB Introduction	August 29, 2011
Final Public Hearing	September 20, 2011
WQB Funding Authorization:	September 28, 2011
Facility Plan Approval:	October 2011
Issue Construction Permit	October 2011
Bid Opening	October 2011
Loan Closing	November 2011
Complete Construction	December 2012

APPLICANT'S CURRENT USER CHARGE:

Currently GHID charges a base sewer fee of $18.00 per month per Equivalent Residential Connection (ERU). Commercial and Industrial connections have increases for on the sewer rate for water usage and waste strength. In addition, GHID receives a property tax, of which approximately 40% is dedicated to sewer improvements. This property tax amounts to approximately $3.00 per month per ERU.

COST ESTIMATE:

Legal/Bonding	$40,000
DWQ Loan Origination Fee	$62,000
Construction (Old Main PS & Slip Lining)	$6,100,000
Construction (Decker PS)	$2,800,000
Total Project Cost:	$9,002,000

COST SHARING:

GHID has recently completed a significant amount of pipe slip lining and is in the process of reconstructing the Decker Main Pump Station. Staff is considering the completion of this work to be a local contribution to the project. The approximate cost for completing this work is estimated to be $2,800,000 and would represent approximately 31% of a combined project cost.

Funding Source		Cost Sharing	Percent of Project
GHID	(estimate)	$2,800,000	31%
WQB Loan		$ 6,202,000	69%
Total Amount:		$ 9,002,000	100%

ESTIMATED ANNUAL COST FOR SEWER SERVICE:

Operation & Maintenance – Annual	$9,963,000
Existing Debt Service	$775,000
WQB Debt Service (2.5%; 20yrs)	$391,297
WQB Required Reserves (1½ pmt, first 10 years)	$59,676
Monthly Cost / ERU (including property tax)	$22.44
Monthly Cost / ERU (excluding property tax)	$19.46
Cost as % of Calculated MAGI ($31,733)	0.87 %

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File: GrangerHunter, Admin, Section 1

GRANGER HUNTER IMPROVEMENT DISTRICT
OLD MAIN PUMP STATION & PIPE REHABILITATION

Project Costs	
Legal/Bonding	40,000
DWQ Loan Origination Fee	62,000
Engineering - Adminisistration & Prelim	
Aerial Photography	
Engineering - Planning and Environmental	
Electrical & SCADA Design and Const.	
Engineering - Design	
Engineering - CMS	
Property, Easements, & R.O.W.	
Construction	8,900,000
Contingency (approx 20% const. cost)	
Total Project Cost:	**9,002,000**

Project Funding	
Applicant Contribution	2,800,000
USACE Grant	-
WQB Loan	6,202,000
WQB Grant	-
	9,002,000

Current Customer Base & User Charges	
Equivalent Residential Units (ERU):	41,573
Total ERUs:	41,573
MAGI for West Valley City (2009)	31,087
Current Impact Fee (per ERU):	$2,324.00
Current Monthly User Fee (per ERU):	$18.00
Current Monthly User Property Tax (per ERU):	$2.98
Current Monthly User Fee with Property Tax (per ERU):	**$20.98**
New Average Monthly User Fee for District with Property Tax (per ERU):	**$22.44**
New Average Monthly User Fee without Property Tax (per ERU):	**$19.46**

Annual Sewer O&M Cost	
Existing O&M expenses Treatment & Collection	$9,963,204
New O&M expenses Treatment & Collection	$9,963,204

Existing Sewer Debt Service	
Existing Sewer Debt Service	$775,000
Total Sewer Debt Service for District	$775,000

Funding Conditions	
Loan Repayment Term:	20
Reserve Funding Period:	10

ESTIMATED COST OF SEWER SERVICE

WQB Grant Amount	WQB Loan Amount	WQB Loan Interest Rate	WQB Loan Debt Service	WQB Loan Reserve	Annual Sewer O&M Cost	Existing Sewer Debt Service	Total Annual Sewer Cost	Monthly Sewer Cost/ERU	Sewer Cost as a % of MAGI
-	6,202,000	0.00%	$310,100.00	46,515	9,963,204	$775,000	$11,094,819.00	22.24	0.86%
-	6,202,000	0.50%	$326,637.34	48,996	9,963,204	775,000	11,113,837	22.28	0.86%
-	6,202,000	1.00%	$343,685.78	51,553	9,963,204	775,000	11,133,443	22.32	0.86%
-	6,202,000	1.50%	$361,240.05	54,186	9,963,204	775,000	11,153,630	22.36	0.86%
-	6,202,000	2.00%	$379,293.97	56,894	9,963,204	775,000	11,174,392	22.40	0.86%
-	**6,202,000**	**2.50%**	**$397,840.49**	**59,676**	**9,963,204**	**775,000**	**11,195,721**	**22.44**	**0.87%**

2.8

Project Number: _____
Date of introduction to the WQB: N/A
Date of authorization to be presented to the WQB: August 29, 2011

WATER QUALITY BOARD
FEASIBILITY REPORT FOR WASTEWATER TREATMENT PROJECT
AUTHORIZATION

APPLICANT:	Kearns Improvement District 5350 West 5400 South Kearns, Utah 84118 Telephone: (801) 968-2100
PRESIDING OFFICIAL:	Pam Gill, General Manager / Treasurer
CONTACT PERSON:	Pam Gill, General Manager / Treasurer
TREASURER/RECORDER:	Pam Gill, General Manager / Treasurer
CONSULTING ENGINEER:	Mike Hutchinson, District Engineer
CITY ATTORNEY:	Mark Anderson, City Attorney 53rd Park Plaza, Suite 400 5217 South State Street Salt Lake City, Utah 84107 Telephone: (801) 327-8200
BOND COUNSEL:	Randy Larsen, Partner Ballard Spahr Andrews & Ingersoll 201 South Main, Suite 800 Salt Lake City, Utah 84111 Telephone: (801) 531-3000
FINANCIAL ADVISOR:	Dustin Matsumori, First Vice President George K. Baum & Company 15 West South Temple, Suite 1090 Salt Lake City, Utah 84101 Telephone: (801) 538-0351

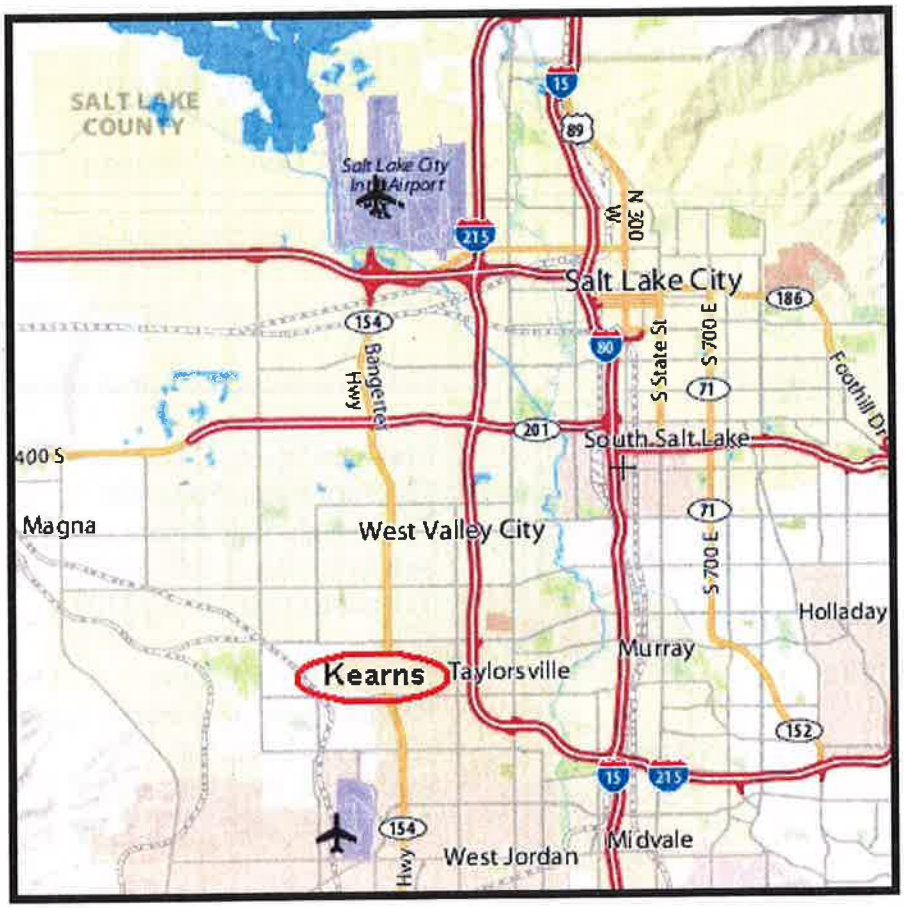
APPLICANT'S REQUEST:

The Kearns Improvement District is requesting financial assistance in the amount of a $7,615,000 loan at an interest rate of 3.0% repayable over 20 years to replace aging and dilapidated vitrified clay and reinforced concrete pipe (RCP). These pipes were all installed in the backyards of more than 3,000 homes.

APPLICANT'S LOCATION:

Kearns Improvement District is located in Salt Lake County, southwest of Salt Lake City.

MAP OF APPLICANT'S LOCATION



BACKGROUND

In the 1940's vitrified clay and reinforced concrete sewer pipes were installed in the backyards of many of the original homes serviced by the Kearns Improvement District. These pipes are now over sixty years old, and are difficult to maintain and repair because of their condition and location.

PROJECT NEED:

In the late 40's and 50's, the area previously occupied by old Camp Kearns was developed into single family housing. The sewers at that time were placed in the rear yards. There may have been some alleys in certain areas, which have long since been abandoned. Fences have been installed, trees planted, and buildings and even swimming pools constructed on top of the sewer lines. The old concrete lines allow the tree roots to enter the system, creating blockages. It is difficult to gain access to many of the manholes and maintenance has become extremely difficult and expensive.

PROJECT DESCRIPTION:

The Kearns Improvement District is installing new PVC sewer lines in the front of the homes and reconnect the laterals with new lines. This multi-phase project affects 3,600 homes and about 29 miles of new sewer line. This request will finance the third phase of this project.

POSITION ON PROJECT PRIORITY LIST:

This project is currently ranked 8th on the project priority list.

POPULATION GROWTH:

This project affects only existing homes and population growth is not relevant.

PUBLIC PARTICIPATION AND DEMONSTRATION OF PUBLIC SUPPORT:

In 1995 the District assembled a blue ribbon committee of citizens to consider how best to address the problem of repairing and maintaining the sewer lines and laterals in the back yards of homes. The members included both residents where the problems existed and others who did not have the problem. The District has also held public meetings in conjunction with each issuance of bonds and will hold at least two meetings which will allow for public comment regarding the issuance of additional bonds.

IMPLEMENTATION SCHEDULE:

Apply to WQB for Funding:	August 29, 2011
WQB Funding Authorization:	September 2011
Final Public Hearings:	October 2011
Advertise EA (FONSI):	November 2011
Facility Plan Approval:	September 22, 2009
Commence Design:	ongoing
Issue Construction Permit:	will vary
Advertise for Bids[1]:	N/A
Bid Opening:	N/A
Loan Closing:	December 2011
Commence Construction Phase III	January 2012
Complete Construction:	January 2015

[1] *Much of the work on this project is done using force account labor and equipment and will not go out for bid.*

APPLICANT'S CURRENT USER CHARGE:

The current base residential user charge is $20.53 per month and $25.47 when tax revenue is included with an impact fee of $2,815.

COST ESTIMATE:

Legal/Bonding	$ 100,000
Collection sewers - phase 1	$ 14,500,000
Collection sewers - phase 2 (Stimulus)	$ 5,205,000
Collection sewers - phase 3	$ 7,439,000
DWQ Loan Origination Fee (1% of Loan)	$ 76,000
Total Project Cost:	$ 27,140,000

COST SHARING:

The Kearns Improvement District began assessing a $2 monthly surcharge in May 1997. The assessment was applied to every customer serviced, not just those affected by the project. The institution of the surcharge made possible the acquisition of bond funds to cover the initial cash flow needs. The surcharge was increased to $3 in March of 2002 and to $4 in January 2003. Thus far, the District has spent approximately $14,500,000 of its own funds (including two bond issuances) towards the project.

Funding Source	Cost Sharing	Percent of Project
Prior Local Contribution:	$ 14,500,000	53%
2009 WQB-ARRA Loan/Forgiveness Amount:	$ 5,025,000	19%
2011 WQB Loan Amount	$ 7,615,000	28%
Total Amount:	**$ 27,140,000**	**100%**

ESTIMATED ANNUAL COST FOR SEWER SERVICE:

Proposed Annual O&M	$ 245,000
WQB Debt Service (3.0%; 20 yrs)	$ 511,848
WQB Required Reserves (1½ pmt/6 yrs)	$ 127,962
Monthly Cost / ERU at % MAGI 0.74%	$ 18.59
Kearns Improvement District MAGI (2009)	$ 30,131

STAFF COMMENTS:

This project is being driven by District's need to replace old and damaged sewer pipes installed sixty years ago in the back yards of many homes.

Staff recommends that the Water Quality Board authorize Kearns Improvement District a **$7,615,000** loan at a **3.0%** interest rate with a repayment term of 20 years.

SPECIAL CONDITIONS:

1. Funding for this project is contingent upon funds availability.

2. Kearns Improvement District must agree to continue to participate annually in the Municipal Wastewater Planning Program (MWPP).

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File: Kearns, Planning, Section 1

Kearns Improvement District

Backyard Sewer Replacement Project

Project Costs		
Legal Bonding	$	100,000
Collection sewers - phase 1	$	14,500,000
Collection sewers - phase 2 (Stimulus)	$	5,025,000
Collection sewers - phase 4	$	7,439,000
Loan Origination Fee	$	76,000
Total Project Cost:	$	27,140,000

Project Funding		
Local Contribution (recently completed)	$	14,500,000
2009 WQB-ARRA Loan/Forgiveness Amount	$	5,025,000
2011 WQB Loan Amount	$	7,615,000
Total Project Funding:	$	27,140,000

Current Customer Base & User Charges		
Total Customers (ERU):		18,500
MAGI for Kearns (2009)	$	30,131
Average Impact & Connection Fee (per ERU):	$	2,815
Current Monthly User Fee (per ERU):	$	20.53
Monthly User Fee from Tax Valuation (per ERU)	$	4.94
Total Monthly User Fee (per ERU)	$	25.47

Funding Conditions		
Loan Repayment Term (years):		20
Reserve Funding Period:		6 months
Total O&M expenses Treatment & Collection	$	245,000
Existing Debt Service	$	1,750,000
2009 WQB Loan Debt Service	$	191,250
Annual Revenue from Sewer User Charges	$	4,219,000
Annual Treatment Cost	$	1,300,000

Central Valley Water Reclamation Facility provides this service

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ESTIMATED COST OF SEWER SERVICE

WQB Loan Amount	WQB Loan Interest Rate	WQB Loan Debt Service	WQB Loan Reserve	Existing Debt Service	2009 WQB Debt Service	Annual Sewer O&M Cost	Total Annual Treatment Cost	Total Annual Sewer Cost	Annual Revenue from Sewer Use Charges	Monthly Sewer Cost/ERU	Sewer Cost as a % of MAGI
$7,615,000	0.00%	$380,750	$95,188	$1,750,000	$191,250	$245,000	$1,300,000	$3,962,188	$4,219,000	$17.85	0.71%
$7,615,000	1.00%	$421,988	$105,497	$1,750,000	$191,250	$245,000	$1,300,000	$4,013,735	$4,219,000	$18.08	0.72%
$7,615,000	1.50%	$443,541	$110,885	$1,750,000	$191,250	$245,000	$1,300,000	$4,040,677	$4,219,000	$18.20	0.72%
$7,615,000	2.00%	$465,708	$116,427	$1,750,000	$191,250	$245,000	$1,300,000	$4,068,386	$4,219,000	$18.33	0.73%
$7,615,000	2.30%	$479,300	$119,825	$1,750,000	$191,250	$245,000	$1,300,000	$4,085,375	$4,219,000	$18.40	0.73%
$7,615,000	2.50%	$488,480	$122,120	$1,750,000	$191,250	$245,000	$1,300,000	$4,096,850	$4,219,000	$18.45	0.73%
$7,615,000	**3.00%**	**$511,848**	**$127,962**	**$1,750,000**	**$191,250**	**$245,000**	**$1,300,000**	**$4,126,060**	**$4,219,000**	**$18.59**	**0.74%**
$7,615,000	3.50%	$535,800	$133,950	$1,750,000	$191,250	$245,000	$1,300,000	$4,155,999	$4,219,000	$18.72	0.75%
$7,615,000	4.00%	$560,325	$140,081	$1,750,000	$191,250	$245,000	$1,300,000	$4,186,656	$4,219,000	$18.86	0.75%
$7,615,000	4.50%	$585,412	$146,353	$1,750,000	$191,250	$245,000	$1,300,000	$4,218,015	$4,219,000	$19.00	0.76%
$7,615,000	5.00%	$611,047	$152,762	$1,750,000	$191,250	$245,000	$1,300,000	$4,250,059	$4,219,000	$19.14	0.76%

State of Utah
GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

MEMORANDUM

TO: Utah Water Quality Board

THROUGH: Walter L. Baker, P.E.
Executive Secretary

FROM: Beth Wondimu, P.E.
Engineering Section

DATE: August 29, 2011

SUBJECT: Mona City -Additional Funding Request for Wastewater Collection & Treatment Systems

On December 18, 2008 the Water Quality Board authorized a grant of $4,318,000 and a loan of $7,350,000 to Mona City for the design and construction of a new wastewater collection and Integrated Fixed Film in Activated Sludge (IFAS) treatment system. The loan term was 30 years, with interest payable at an annual rate of 0% percent.

Mona City elected to construct a Membrane Bioreactor (MBR) instead of an IFAS to be proactive in protecting its water quality and toward addressing possible future requirements for nutrient removal. Construction of the MBR cost the City an additional $159,000, which the City paid for by increasing its monthly user charge by $7.03 per connection. As a result, the monthly user charge was increased to $52, which exceeds 1.4% of the community's MAGI ($44.97).

The project commenced construction October 2010, and to date approximately 80% of construction of the collection system and 50% of construction of the MBR treatment facility has been completed. During this construction period, there have been several change orders and material changes have occurred than anticipated impacting the authorized funding. Most of the material changes are related to road re-pavement resulting in increase of the total project cost. The City of Mona road system is designed on a grid system with wide unpaved shoulders. Forsgren Associates designed the sewer to be in the shoulders to avoid existing utilities and prevent the cutting of the asphalt. During the design phase of the project, Forsgren obtained utility mapping information from local utility companies. The City had also mapped the culinary water and pressurized irrigation and that information was made available to Forsgren to assist in

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www.deq.utah.gov

the design of the sewer alignment. During construction, about 70% of the sewer line was moved into the road due to unmapped or incorrectly mapped utility conflicts. Many of these conflicts were with the pressurized irrigation line which was not shown correctly because the utility maps were inaccurate.

The City did not anticipate this magnitude of asphalt costs in the project. For this purpose, the City would like to request additional funds to complete the project. Mona realizes the importance of maintaining serviceable roads. Mona has been saving up their Class C road funds for several years in anticipation of having to do some pavement maintenance after the sewer project is complete. The City would like to use their Class C Road (Paved Road) Funds to assist in the repairing of these roads due to unforeseen utility conflicts. The City is prepared to spend $150,000 toward the repair of utility cuts of roads in the City. This amounts to approximately 3 years worth of Class C funds and leaves the City with a balance of $65,000, reserved for emergency repairs. The City is also benefited by using these funds at this time as the same contractor will be under warranty for the roads and the sewer line, protecting the City against warranty issues from separate contractors.

A list of proposed change orders and material changes is attached to this memo.

As of the date of this memo, construction is 80% complete on the collection system, and no other significant change orders are anticipated. This request will fulfill the needed funding to complete construction of the project, which incurred additional costs due to unforeseen increase in cost of materials which were not anticipated when this project was presented to the Water Quality Board in December 18, 2008.

The staff recommends that the previous funding authorization to Mona City be augmented with a grant in the amount of $1,400,000.

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File: Mona City/ Administration/ Section 1

Mona City - Project Cost Summary

	Original Board Authorization	Initial Contract Amounts (at Loan Closing)	Current Budget Amount	Change in Cost
Engineering - planning	$49,000	$49,000	$48,426	-$574
engineering - design	$781,000	$781,000	$1,016,760	$235,760
engineering - CMS	$706,000	$706,000	$832,100	$126,100
Engineering - Others (USACE)	$150,000	$150,000	$90,640	-$59,360
Lateral Construction & Septic Abandoment	$1,722,000	$1,722,000	$1,722,000	$0
Construction	$12,374,000	$13,852,123	$15,702,876	$3,328,876
Contingency	$2,518,000	$1,043,127	$165,117	-$2,352,883
DWQ Loan Origination Fee	$40,000	$36,750	$36,750	-$3,250
Legal/Bonding	$50,000	$50,000	$50,000	$0
Property/Easement	$0	$0	$78,767	$78,767
Total	**$18,390,000**	**$18,390,000**	**$19,743,435**	**$1,353,435**

Project Cost Increase:	**$1,353,435**
USACE shortfall amount:	**$200,000**
Additional Project Funds Needed:	**$1,553,435**
City Road Funds:	**$150,000**
WQB Grant	**$1,403,435**

Item	Description	UOM	Estimated Quantity	Unit Price	Final Estimated Quantity	To Date Price	Change in Quantity	Change in Price	% Change
1	Traffic Control	LS	1	$11,173.00	1.00	$11,173.00	0.00	$ -	100%
2	Mobilization	LS	1	$198,550.00	1.00	$198,550.00	0.00	$ -	100%
3	Construction Survey	LS	1	$11,469.00	1.00	$11,469.00	0.00	$ -	100%
4	Remove and Dispose Existing Asphalt	SF	160000	$0.10	831,283.00	$83,128.30	671,283.00	$ 67,128.30	520%
6	Furnish and Install 4" Asphalt	SF	160000	$2.05	0.00	$0.00	-160,000.00	$ (328,000.00)	0%
7	Furnish and Install 8" Road Base	SF	160000	$0.95	431,838.00	$410,246.10	271,838.00	$ 258,246.10	270%
8	Furnish and Install 48" Manhole	EA	242	$2,614.00	259.00	$677,026.00	17.00	$ 44,438.00	107%
9	Furnish and Install 60" Manhole	EA	6	$4,849.00	8.00	$38,792.00	2.00	$ 9,698.00	133%
10	Furnish and Install 8" PVC SDR-35 Pipe	LF	58450	$19.00	60,197.00	$1,143,743.00	1,747.00	$ 33,193.00	103%
11	Furnish and Install 10" PVC SDR-35 Pipe	LF	10680	$21.30	10,315.00	$219,709.50	-365.00	$ (7,774.50)	97%
12	Furnish and Install 15" PVC SDR-35 Pipe	LF	5100	$28.50	5,126.00	$146,091.00	26.00	$ 741.00	101%
13	Furnish and Install 1" minus Pipe Bedding	LF	74230	$4.85	92,765.00	$449,910.25	18,535.00	$ 89,894.75	125%
14	Furnish and Install Common Fill	CY	40500	$5.50	8,153.00	$44,841.50	-32,347.00	$ (177,908.50)	20%
15	Furnish and Install 8" Wye Connection	EA	390	$249.00	435.00	$108,315.00	45.00	$ 11,205.00	112%
16	Furnish and Install 10" Wye Connection	EA	60	$277.00	44.00	$12,188.00	-16.00	$ (4,432.00)	73%
17	Furnish and Install 15" Wye Connection	EA	5	$365.00	4.00	$1,460.00	-1.00	$ (365.00)	80%
18	Furnish and Install 4" PVC Sewer Lateral	LF	17656	$15.30	23,498.00	$359,519.40	5,842.00	$ 89,382.60	133%
19	Trench Dewatering	LF	25000	$0.10	28,150.00	$2,815.00	3,150.00	$ 315.00	113%
21	Furnish and Install Clay Barrier	EA	50	$301.00	23.00	$6,923.00	-27.00	$ (8,127.00)	46%
22	Testing	LS	1	$60,890.00	1.00	$60,890.00	0.00	$ -	100%
23	Subsurface Investigation	HR	100	$80.40	123.00	$9,889.20	23.00	$ 1,849.20	123%
24	Cold Weather Asphalt Patch	SF	80000	$1.15	0.00	$0.00	-80,000.00	$ (92,000.00)	0%

$3,996,679.25 Total Estimate from Base Bid

$ (12,516.05)

	Change Orders	UOM	Estimated	Unit Price	To Date	Total CO
25	Increased Pipe Installation Depth	LF		$0.97	2,453	$2,379.41
26	Increase Manhole Cost per 1' Deeper	LF		$93.36	12	$1,120.32
27	Decreased Pipe Installation Depth	LF		-$0.97	3,382	-$3,280.54
29	2.5" Asphalt	SF		$1.25	519,439	$649,298.75
30	Insert a tee Connection	EA		$1,020.00	51	$52,020.00
31	Furnish and Install 3" Asphalt	SF		$1.75	311,844	$545,727.00
32	200 North Overlay	SF	50400	$1.06	50,400	$53,424.00
33	Main Street Change Order	LS	1	$562,579.70	1	$562,579.70

$1,863,268.64 Total Change Orders

Estimate to Complete for Collection System	$ 5,859,947.89	Total with Change Order
Original Engineering	$ 1,861,825.68	
Additional Engineering	$ 126,100.00	
Estimate to Complete for Treatment Plant	$ 9,842,928.00	
Legal & Bonding	$ 50,000.00	
DWQ Loan Origination Fee	$ 36,750.00	
Property and Easements	$ 78,766.68	
Design Advance	$ 299,000.00	
Total Costs	**$18,155,318.25**	
Total Budget	**$16,779,346.87**	
Difference	**$1,375,971.38**	
12% Contingency	**$165,116.57**	
Total Funds Required	**$1,541,087.95**	

FILE COPY

Application Number:
Date Received: September 17, 2008
Date to be presented to the WQB: December 18, 2008

WATER QUALITY BOARD
FEASIBILITY REPORT FOR WASTEWATER TREATMENT PROJECT
AUTHORIZATION

APPLICANT:	Mona City 50 West Center Street Mona, Utah 84645 Telephone: (435) 623-4913
PRESIDING OFFICIAL:	Mayor Bryce Lynn 50 West Center Street Mona, Utah 84645 Telephone: (435) 623-4913
CONTACT PERSON:	Gordon Anderson, City Council 50 West Center Street Mona, Utah 84645 Telephone: (435) 623-4913
TREASURER:	Everd Squire 50 West Center Street Mona, Utah 84645 Telephone: (435) 623-4913
CONSULTING ENGINEER:	Travis Higby, P.E., Project Engineer Forsgren Associates, Inc. 370 East 500 South Salt Lake City, Utah 84111 Telephone: (801) 364-4785
BOND COUNSEL:	Not selected yet

APPLICANT'S REQUEST:

Mona City is requesting financial assistance in the amount of a $5,227,000 grant and a $6,600,000 loan at an interest rate of 0.0% repayable over 30 years for construction of a wastewater collection system and an MBR treatment system. In addition, Mona City is requesting a Design Advance in the amount of $250,000 to provide a match for the United States Army Corps of Engineers (USACE) 595 design funds that have already been authorized.

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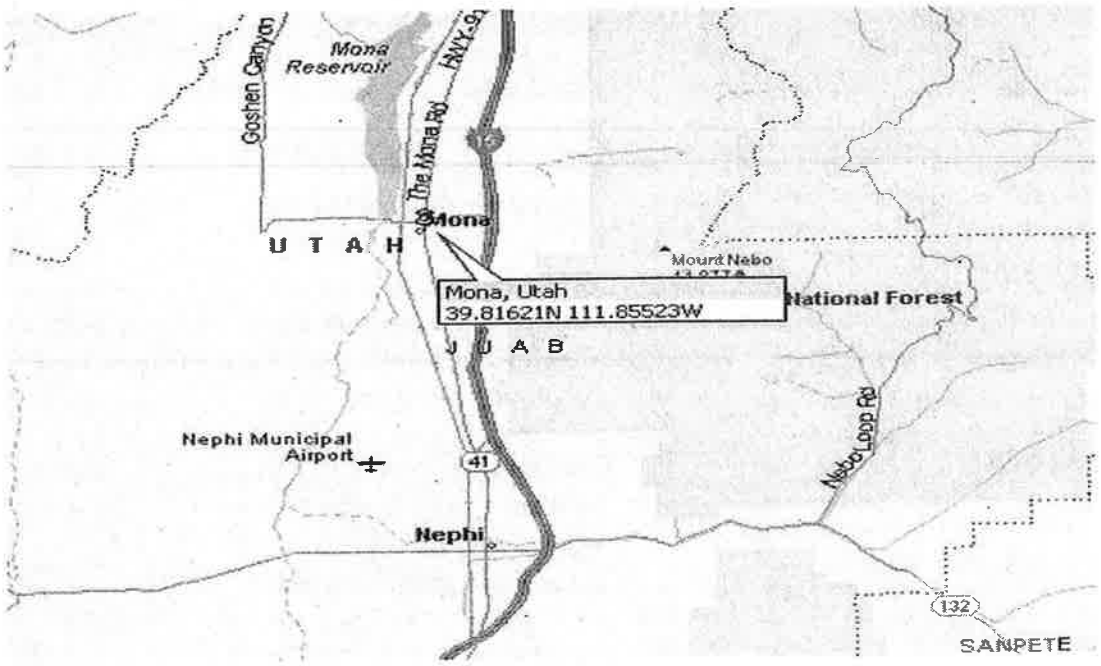
APPLICANT'S LOCATION:

Mona City is located in Juab County, and would be the first community in Juab County to receive a Water Quality Board construction loan should the Board authorize this project.

MAP OF APPLICANT'S LOCATION



BACKGROUND:

Mona City is a very fast growing bedroom community that consists almost exclusively of residential development. Currently, wastewater treatment consists almost entirely of onsite wastewater treatment systems (septic systems) with possibly a few very old cesspools. The community has come to the realization that a citywide master planned sewer system is needed to foster growth in an orderly manner and preserve and protect the environment by appropriate treatment and disposal of wastewater. In September 2008 Mona City conducted a preliminary sewer facility master plan study in order to consider the construction of a citywide sewer collection and treatment system.

PROJECT NEED:

Mona City is currently one of the most populated unsewered communities in the state. The number of septic systems in Mona is proliferating rapidly, as Mona is also experiencing the highest population growth of any unsewered community in Utah. The growing number of septic systems may someday present a groundwater problem due to overall septic density, and will likely result in an increase in local problems as the overall density of drainfields continues to increase. Furthermore, the city has determined that continuing the proliferation of onsite systems is not in accordance with its master plan for responsible growth, and the city has determined the need to construct a public

sewer system and an advanced wastewater treatment system to provide for current and future needs.

PROJECT DESCRIPTION:

Mona City is proposing to construct a new city-wide sewer system consisting of approximately 89,270 linear feet of 8-inch through 14-inch diameter PVC sewer lines and a new 0.5 mgd membrane bioreactor (MBR) wastewater treatment facility (alternatives number 2 & 6).

ALTERNATIVES EVALUATED:

The Facilities Plan evaluated the following alternatives:

1. No action, continue proliferation of new onsite wastewater treatment systems.
2. Construct a city-wide wastewater collection system.
3. Construct a facultative lagoon treatment system.
4. Construct an aerated lagoon treatment system.
5. Construct an IFAS wastewater treatment system.
6. Construct an MBR wastewater treatment system.

POSITION ON PROJECT PRIORITY LIST:

Mona City is ranked 5th out of 17 projects on the project priority list.

POPULATION GROWTH:

The average population growth through the year 2030 is estimated to be 6.1% in the Facilities Plan.

	Year	ERU	Population
Current:	2008	492	1,800
Design:	2038	1384	5,063

PUBLIC PARTICIPATION AND DEMONSTRATION OF PUBLIC SUPPORT:

Mona City conducted a public meeting on October 7, 2008, as required by the Utah Wastewater State Revolving Fund (SRF) program. The City will hold a final public hearing upon securing funding from the Water Quality Board.

IMPLEMENTATION SCHEDULE:

Public Meeting	October 7, 2008
Apply to WQB for Funding:	October 22, 2008
WQB Funding Authorization:	December 18, 2008
Public Hearing:	January 2009
Advertise EA (FONSI):	January 2009
Engineering Report Approval:	February 2009

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Commence Design:	March 2009
Issue Construction Permit:	December 2009
Advertise for Bids:	January 2010
Bid Opening:	February 2010
Loan Closing:	March 2010
Commence Construction:	March 2010
Complete Construction:	March 2011

APPLICANT'S CURRENT USER CHARGE:

Mona City does not currently have a public sewer system.

COST ESTIMATE:

Tasks	MBR Cost	IFAS Cost
Engineering - Planning	$49,000	$49,000
Engineering - Design	$790,000	$781,000
Engineering – CMS	$717,000	$706,000
Engineering – Other (USACE Enviro)	$150,000	$150,000
Lateral Construction & Septic Abandonment	$1,722,000	$1,722,000
Construction	$12,489,000	$12,374,000
Contingency (20%)	$2,542,000	$2,518,000
DWQ Loan Origination Fee	$40,000	$40,000
Legal/Bonding	$50,000	$50,000
Total Capital Cost:	$18,549,000	$18,390,000

PROPOSED COST SHARING FOR MBR:

Funding Source	Cost Sharing	Percent of Project
WQB Loan	$6,600,000	32%
WQB Grant	$5,227,000	28%
Local Share	$1,722,000	13%
USACE 595 Grant	$5,000,000	27%
Total Amount:	$18,549,000	100%

PROPOSED COST SHARING FOR IFAS:

Funding Source	Cost Sharing	Percent of Project
WQB Loan	$7,350,000	40%
WQB Grant	$4,318,000	23%
Local Share	$1,722,000	7%
USACE 595 Grant	$5,000,000	30%
Total Amount:	$18,390,000	100%

The USACE 595 grant has already been authorized for this project. Current residents would need to pay out-of-pocket to abandon existing septic systems and run new sewer laterals around the back of their houses to the new city sewer system. This is anticipated to cost from $1500 to $3,500 per residence, depending on site characteristics and is included in the proposed cost sharing as the local share.

ESTIMATED ANNUAL COST FOR SEWER SERVICE:

	MBR Cost	IFAS Cost
Operation & Maintenance - Annual	$123,112	$94,436
WQB Debt Service (0.0%; 30 yrs)	$220,000	$245,000
WQB Required Reserves (1½ pmt/10 yr)	$33,000	$36,750
Existing Sewer Debt Service	$0	$0
Total Annual Cost	$336,112	$336,186
Monthly Cost / ERU	$44.97	$44.97
Cost calculated as % of MAGI ($38,549)	1.44%	1.44%

STAFF COMMENTS:

This project is being driven by Mona City's realization that onsite wastewater treatment is a temporary solution to its current and future wastewater treatment and disposal needs. Onsite wastewater treatment is not compatible with continued growth and increased population in the community, and it would be far less costly to head off any potential groundwater contamination problems while the community is still relatively small, rather than wait until the community becomes a large city and hope that onsite wastewater treatment is still an effective solution to managing its wastewater.

Also, Mona City has secured $5 million in funding from the USACE for this project, and once the sewer is constructed all new development would be required to construct internal sewer lines and pay impact fees for wastewater conveyance and treatment, instead of sinking money into additional onsite systems, so this is a very good opportunity to stretch the Water Quality Board's funding and maximize the Board's return on investment. With a projected population of 5,063 in 2038, sewering the community today would result in developers (and new home buyers) contributing over $7.3 million in impact fees and sewer pipeline infrastructure toward the Mona City sewer system, potentially protecting the groundwater and public health through a public wastewater collection and treatment system.

STAFF RECOMMENDATION:

Staff recommends that the Water Quality Board authorize Mona City a construction grant in the amount of $4,318,000; a loan in the amount of $7,350,000 repayable over 30 years at an interest rate of 0%; and a Design Advance in the amount of $250,000 to provide a match for the USACE 595 design funds that have already been authorized for the construction of a city-wide collection system and an IFAS wastewater treatment system.

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SPECIAL CONDITIONS:

1. Mona City must agree to participate annually in the Municipal Wastewater Planning Program (MWPP).

2. Mona City must pay an additional $250 per year for each ERU served over 900 ERUs.

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File: Mona City, Admin, Section 1

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Department of
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Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

MEMORANDUM

TO: Utah Water Quality Board

THROUGH: Walter L. Baker, P.E.,
Executive Secretary

FROM: Michael D. Allred, Environmental Scientist III
Watershed Protection Section, Utah Division of Water Quality

DATE: July 27, 2011

SUBJECT: Funding Request for Rich County Allotment Consolidation Plan

The Utah Department of Agriculture and Food's, Grazing Improvement Program is leading a comprehensive change in management on five Bureau of Land Management allotments (Big Creek, New Canyon, Sage Creek, Stuart, and Twin Peaks) and five Forest Service allotments (North Randolph, South Randolph and Rock Creek/Red Wells, Bug Lake, and Crawford-Fraser). The project is west of the town of Randolph in Rich and Cache counties. A variety of range and habitat improvements are proposed, however the biggest change will be in the timing of livestock grazing. These changes will lead to improved wildlife habitat, improved water quality, improved plant diversity and improved livestock management. The funding requested from the Water Quality Board is for $1,000,000 and will be used for annual operation and maintenance of the project for the next 10 years, estimated to be $100,000/year.

For the past three years a team of qualified and experienced resource managers have worked to put this plan together. Numerous groups, including agencies and NGOs, have visited the site on field trips and offered suggestions and encouragement. Agency support from Washington DC, to state and local levels, has shown excitement at the holistic and large scale approach of the Rich County Project. The validity of this management strategy has been well tested on a neighboring private ranch for the last 30 years. The Deseret Land & Livestock (DLL) example documents the potential for sustainable and profitable watershed health improvement on public land.

The Rich County Plan is very unique from four critical perspectives:

(1) It is "watershed level management". This unit includes 3 important sub-watersheds to the Bear River, one of which is Big Creek that is currently on the 303d list.
(2) The plan combines lands from multiple owners into one sustainable management plan including 67,500 acres of BLM, 35,000 acres of Forest Service 12,400 acres of SITLA

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land, and 29,100 acres of private land for a total of 143,000 acres.

(3) Improving the health and productivity of uplands and riparian areas will be accomplished by using livestock grazing as the main landscape scale tool while simultaneously creating economic, social, and ecological wealth.

(4) Project scale provides the greatest "bang for the buck" and highest opportunity for sustainability.

Time control grazing is a validated management technique in Rich County and Uinta/Lincoln Counties Wyoming, for which data is available.

Important management and natural resource benefits from this plan:

- Significantly improved riparian health within 5 years of full implementation
- Improved water quality and perhaps quantity
- Fisheries will respond favorably to cleaner water and improved riparian health
- Steady increase in plant biodiversity
- Livestock will be used for vegetation enhancements by prescription. Research shows that multi-species (cattle & sheep) grazing is a benefit to land health.

Important social, political, and agency benefits:

- An example of "community based conservation" at a large land scale. Success will require cooperation from many partners. Requires cooperation between BLM, USFS, SITLA, and private land owners. Utah DWQ, DWR, UDAF, FFSL as well as NGOs can play an important role in this project.
- Will attract funds from conservation organizations and agencies for infrastructure and implementation
- With a good grazing association and leadership, this plan will put the stewardship to enhance land health primarily in the hands of those with the tools to accomplish it. Success will motivate the opportunity for greater self-governance based on good stewardship.
- Increased recreational opportunity. With livestock concentrated on less than 20% of the land area at any one time, 80% of the land will be more attractive for other uses.
- Cooperative monitoring to verify results and adjust management will confirm success and ease the burden for agencies.
- Could provide an opportunity for the beneficiaries of cleaner water, improved fisheries, better wildlife habitat, enhanced recreation, the opportunity to help pay for the needed infrastructure maintenance cost over time.
- Will provide a working example of multiple-use (abundance) rather than political allocations (scarcity).

The Division of Water Quality (DWQ) staff believes this plan will allow Big Creek to be removed from the 303(d) list of impaired waters without mechanical treatment to the stream channel by promoting natural riparian vegetation. In addition, the grazing management strategy may prevent other critical water bodies in the allotment area from further degradation.

Recommendation: For the above mentioned reasons the staff recommends the Board authorize a $1,000,000 Hardship Grant to the Utah Department of Agriculture and Food for implementation of this project to be used over a ten-year period. This is conditioned upon the following:

1. Completion of the project EIS work;
2. Commitment of all of the funds to construct the project;
3. DWQ approval of the financial mechanism to administer the Board's approximate $100,000/year commitment to the project

F:/Mallred/wp/admn/memos & letters/wqg funding memo for Rich Cty

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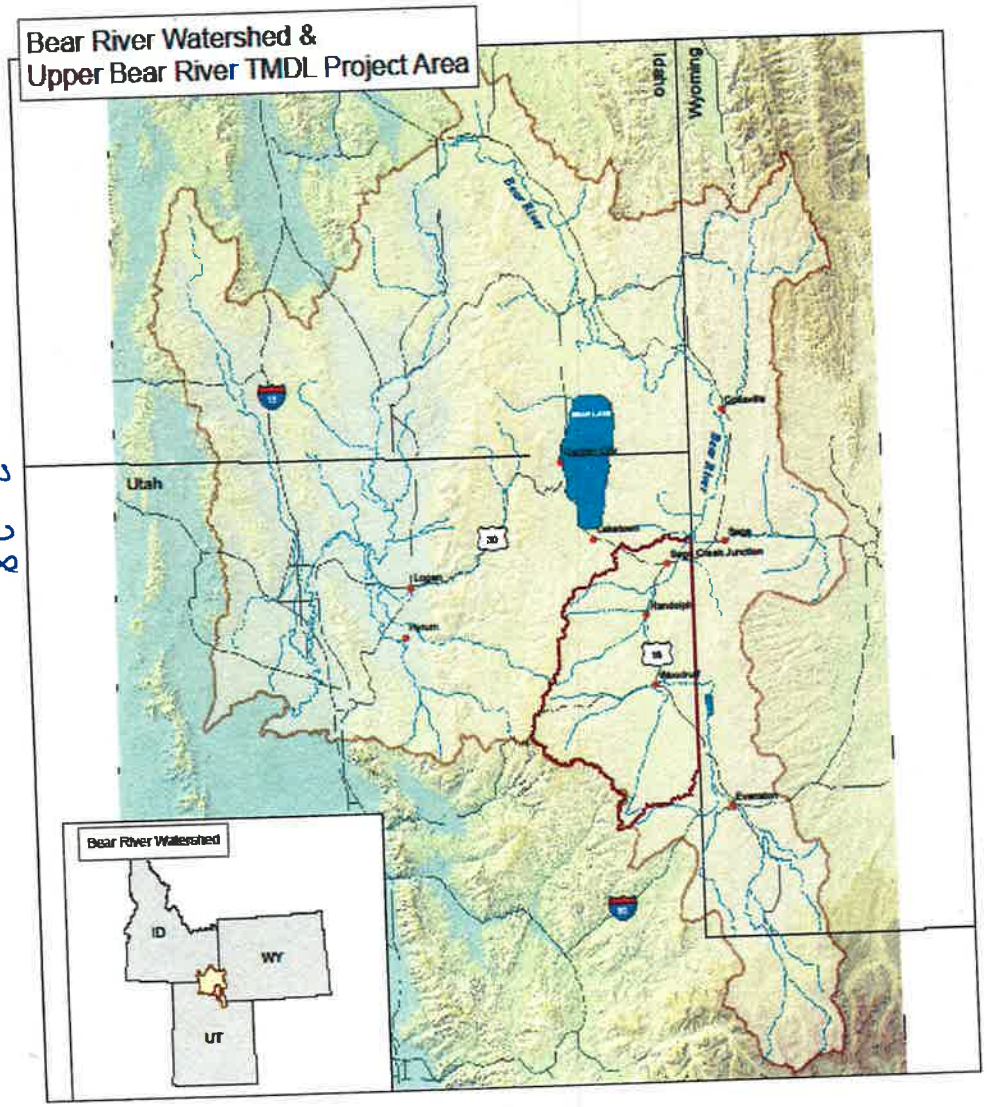

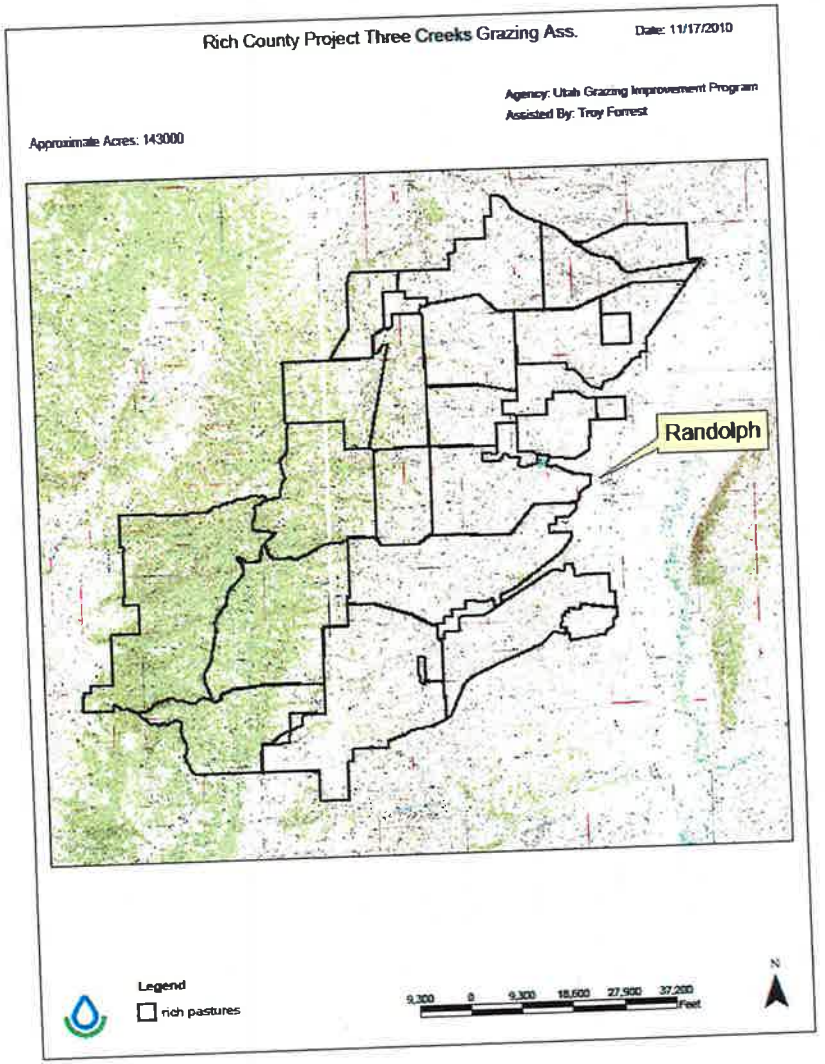

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DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

MEMORANDUM

TO: Utah Water Quality Board

THROUGH: Walter L. Baker, P.E.,
Executive Secretary

FROM: Donald Hall, AFO/CAFO Program Coordinator,
Carl Adams, Manager TMDL Section

DATE: August 16, 2011

SUBJECT: **Funding Request for Utah Association of Conservation Districts for AFO Technical and Compliance Assistance**

The Utah Strategy (Strategy) is a cooperative agreement between agricultural agencies, animal producer groups, and the Division of Water Quality. Since the year 2000 the Strategy has driven water quality-related compliance and technical assistance efforts for animal feeding operations (AFOs) in Utah. DWQ supports the Strategy and its cooperative approach to provide compliance assistance to AFOs and to minimize contamination of surface waters from animal production sources.

DWQ has relied on the partners of the strategy to do the work best suited for each respective organization. The Utah Association of Conservation Districts (UACD) is most capable of developing nutrient management plans (NMPs). UACD has certified nutrient management planning specialists trained to prepare and implement NMPs. NMPs are plans that guide producers in proper management practices of manure and wastes. NMPs provide producers with designs and plans for water pollution control and containment structures such as ponds and bunkers. Proper management practices and well-designed and constructed facilities are needed to reduce manure and wastewater impacts on waters of the State. NMPs are vitally important to reduce runoff, eliminate over-application of nutrients to farmland, and to manage other potential sources of water pollution from AFOs. DWQ believes the single most effective means of reducing pollution from AFOs is to have fully implemented NMPs that are prepared by certified planners.

UACD and DWQ have developed a draft work plan to assist AFO producers statewide in obtaining and implementing NMPs. Under the work plan, UACD will prepare new NMPs, update NMPs, and help to implement NMPs. Emphasis will be placed on UACD assisting AFOs with

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current or previous water quality problems. UACD will provide quarterly reports to DWQ to update progress at AFOs. UACD will also provide updates for the AFO Database managed by Utah Farm Bureau. Under any contract, UACD will be reimbursed for labor, time, and materials needed to do the work in the contract's work plan. DWQ must approve the scope and specific tasks of the final work plan as part of the contract agreement.

Staff recommends the Board authorize a hardship grant to UACD in the amount of **$100,000** which covers the contract work from July 1, 2011 through June 30, 2012, contingent upon approval of the work plan by staff. DWQ believes this request will help reduce contamination of Utah's waters through implementation of NMPs at AFOs. The agreement will provide a means for many AFOs to obtain a NMP. Many AFOs which are small operations do not have the financial resources to hire a contractor to develop a NMP. This funding if approved, would assist AFOs which otherwise would not have financial resources to develop and implement a NMP.

It is anticipated that once the contract period expires the Utah Department of Agriculture and Food will take the lead in managing the AFO Program under the Utah Strategy as well as secure the necessary funding to sustain the in-the-field efforts.

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MEMORANDUM

TO: Utah Water Quality Board

THROUGH: Walter L. Baker, P.E.,
Executive Secretary

FROM: Donald Hall, AFO/CAFO Program Coordinator,
Carl Adams, Manager TMDL Section

DATE: August 16, 2011

SUBJECT: **Funding Request for Utah Farm Bureau Federation for AFO Database Management and Compliance Assistance Follow-up**

The Utah Strategy (Strategy) is a cooperative agreement between agricultural agencies, animal producer groups, and the Division of Water Quality. Since 2000 the Strategy has driven water quality-related compliance and technical assistance efforts for animal feeding operations (AFOs) in Utah. DWQ supports the Strategy and its cooperative approach to provide compliance assistance to AFOs and to minimize contamination of surface waters from animal production sources.

DWQ has relied on the partners of the strategy to do the work best suited for each respective organization. The Utah Farm Bureau (UFB) has created and maintained an AFO Database which contains information on AFO compliance since the Utah Strategy began. UFB also has maintained information on potential concentrated animal feeding operations (PCAFOs) which are AFOs that were identified by the Strategy partners as AFOs with a high potential to pollute waters of the State. The information in UFB's database is important in order to know which AFOs need to receive compliance and technical assistance through the Utah Strategy. UFB currently prepares nutrient management plans (NMPs) which are plans that guide producers in proper management of manure and wastes. NMPs are important to reduce runoff, eliminate over-application of nutrients to farmland, and to manage other potential sources of water pollution from AFOs. DWQ would like to see UFB's work to prepare NMPs continued.

UFB representatives typically have an excellent rapport with AFO producers. UFB has visited hundreds of AFOs through the Utah Strategy work. It's important that this on-site contact with producers continues. Facility visits help improve compliance with water quality regulations and NMPs thereby reducing potential contamination of surface waters through animal production

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activities.

UFB and DWQ have developed a draft work plan to maintain the AFO Database and to develop NMPs. Under the work plan, UFB will update the database and allow DWQ access to the database upon request. UFB will prepare new NMPs and assist in the implementation of NMPs at AFOs. UFB will provide quarterly reports to DWQ to report compliance progress at AFOs. Under any contract, UFB will be reimbursed for labor, time, and materials needed to do the work in the work plan. DWQ must approve the scope and specific tasks of the final work plan as part of the contract agreement.

Staff recommends the Board authorize a hardship grant to the Utah Farm Bureau in the amount of **$100,000** which covers the contract work from January 1, 2012 through December 31, 2012, contingent upon the approval of the work plan by staff. DWQ believes this request will help reduce contamination of Utah's waters from animal production facilities. This will be accomplished by tracking compliance progress through the database, site visits, and the development of NMPs.

It is anticipated that once the contract period expires the Utah Department of Agriculture and Food will take the lead in managing the AFO Program under the Utah Strategy as well as secure the necessary funding to sustain the in-the-field efforts.

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DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

MEMORANDUM

TO: Utah Water Quality Board

THROUGH: Walter L. Baker, P.E., Director
Division of Water Quality

FROM: Judy Etherington
Wastewater Operator Certification Program Coordinator

DATE: August 9, 2011

SUBJECT: Request to Initiate Rulemaking on R317-10, Utah Administrative Code, "Certification of Wastewater Works Operators"

The Wastewater Operator Certification Council unanimously recommends that the attached proposed changes be made to Utah Administrative Code R317-10, "Administrative Rules for Certification of Wastewater Works Operators" concerning the allowed reinstatement period for expired certifications.

The current version of the Rule specifically states that the only option for obtaining certification after a certification has been expired more than three months is to "retest." There is no provision allowing the Council to make exceptions to the reinstatement deadline, or for meeting continuing education requirements (CEUs). The proposed change would increase the time to "one year after certificate expiration" for those operators who had shown their intention to keep their certifications active by obtaining the required CEUs during the term of the certificate. Retesting would still be required after the one year was exceeded. It would also allow the Council the leeway to use its discretion in unusual circumstances which may be brought before it in the future.

Attachments: Summary of Proposed Revisions to R317-10
Revisions to R317-10, Utah Administrative Code, "Administrative Rules For Certification of Wastewater Works Operators"

3.1

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SUMMARY OF PROPOSED REVISIONS TO R317-10

The following changes are made to R317-10-11.D:

- Reinstatement of an expired certificate is allowed up to "one year" after expiration rather than "three months."
- Addition of language which states, "When unusual circumstances exist, an operator may petition the Council to request additional time to meet the requirements. Each petition will be considered on its own merits."

PROPOSED CHANGES TO TEXT OF R317-10-11.D

D. An expired certificate may be reinstated within [~~three months~~]one year after expiration by payment of a reinstatement fee. After [~~three months~~]one year, an expired certificate cannot be reinstated, and the operator must retest to become certified. The required CEUs for renewal must be accrued before expiration of the certificate. When unusual circumstances exist, an operator may petition the Council to request additional time to meet the requirements. Each petition will be considered on its own merits.

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File: Administrative Rules Revisions 2011/R317-10

R317. Environmental Quality, Water Quality.
R317-10. Certification of Wastewater Works Operators.
R317-10-1. Objectives.

The certification program is established in order to assist in protecting the quality of waters in the state of Utah by helping ensure that personnel in charge of wastewater works are trained, experienced, reliable and efficient; to protect the public health and the environment and provide for the health and safety of wastewater works operators; and to establish standards and methods whereby wastewater works operating personnel can demonstrate competency.

R317-10-2. Scope.

These certification rules apply to all wastewater treatment works and sewerage systems, with the exception of Onsite Wastewater Systems and Large Underground Wastewater Disposal Systems as defined in R317-1-1. This includes both wastewater collection systems and wastewater treatment systems except underground wastewater disposal systems. Wastewater works operated by political subdivisions must employ certified operators as required in this rule. Operators of wastewater systems not requiring certified operators (such as industrial wastewater treatment systems) may be certified according to provisions of these rules for testing and certification.

R317-10-3. Authority.

The Certification Program for Wastewater Works Operators is authorized by Section 19-5-104 of the Utah Code Annotated.

R317-10-4. Definitions.

A. "Board" means the Water Quality Board.

B. "Category" means type of certification (collection or wastewater treatment).

C. "Certificate" means a certificate issued by the Council, stating that the recipient has met the minimum requirements for the specified operator grade described in this rule.

D. "Certified Operator" means a person with the appropriate education and experience, as specified in this rule, who has successfully completed the certification exam or otherwise meets the requirements of this rule.

E. "Chief Operator" means the supervisor in direct responsible charge of all shift operators for a collection or treatment system.

F. "Collection System" means the system designed to collect and transport sewage from the beginning points that the collection entity regards as their responsibility to maintain and operate, to the points where the treatment facility assumes responsibility for operation and maintenance.

G. "Council" means the Utah Wastewater Operator Certification Council.

H. "Continuing Education Unit (CEU)" means ten contact hours of participation in and successful completion of an organized and approved continuing education experience. College credit in approved courses may be substituted for CEUs on an equivalency

basis as defined in this rule.

I. "Direct Responsible Charge (DRC)" means active on-site charge and performance of operation duties. The person in direct responsible charge is generally a supervisor over wastewater treatment or collection who independently makes decisions affecting all treatment or system processes during normal operation which may affect the quality, safety, and adequacy of treatment of wastewater discharged from the plant. In cases where only one operator is employed, this operator shall be considered to be in direct responsible charge.

J. "Executive Secretary" means the Executive Secretary of the Water Quality Board.

K. "Grade Level" means any one of the possible steps within a certification category of either wastewater collection or wastewater treatment. There are four levels each for collection and treatment system operators, Grade I being the lowest and Grade IV the highest level. There is one level for lagoon operators.

L. "Grandfather Certificate" means a certificate issued to an operator, without taking an examination, by virtue of the operator meeting experience and other requirements in R317-10-11.G of this rule.

M. "Operating Experience" means experience gained in operating a wastewater treatment plant or collection system which enables the operator to make correct supervisory, operational, safety, and maintenance decisions affecting personnel, water quality, public health, regulatory compliance, and wastewater works operation, efficiency, and longevity.

N. "Operator" means any person who is directly involved in or may be responsible for operation of any wastewater works or facilities treating wastewater.

O. "Population Equivalent (P.E.)" means the population which would contribute an equivalent waste load based on the calculation of total pounds of B.O.D. contributed divided by 0.2. This calculation may be used where a significant amount of industrial waste is discharged to a wastewater system.

P. "Restricted Certificate" means a certificate issued upon passing the certification examination when other requirements have not been met.

Q. "Small Lagoon System" means a wastewater lagoon system serving fewer than 3500 population equivalent.

R. "Wastewater Works" means facilities for collecting, pumping, treating or disposing of sanitary wastewater.

R317-10-5. Wastewater Works Owner Responsibilities.

A. The chief operator and supervisors who make process decisions for the system and are designated to be in direct responsible charge must be certified at no less than the level of the facility classification. All other operators in direct responsible charge must be certified at no less than one grade lower than the facility classification or at the lowest required facility classification except as provided in B below. All facilities must have an operator certified at the facility level on duty or on call. If a facility or system undergoes a re-rating, all operators considered to be in DRC must be certified at

the appropriate level within one year after notification of the new rating.

B. The Executive Secretary must be notified by the facility owner within 10 working days after termination of employment of the Chief Operator considered in DRC, or when he is otherwise unable to perform those duties. The wastewater works must have a certified operator or an operator with a restricted certificate at the appropriate level within one year from the date the vacancy occurred.

C. For newly constructed wastewater works, a certified operator or an operator with a restricted certificate at the appropriate level must be employed within one year after the system is deemed operable.

D. Those required to be certified may operate a system with a restricted certificate of the required grade for up to one year for a Class I or Class II facility, or up to two years for a Class III or Class IV facility, but may not continue to operate a system if they are unable to obtain an unrestricted certificate at the end of the stipulated period.

E. Contracts

1. General. In lieu of employing a DRC operator as part of its workforce, a facility owner may enter into a contract for DRC services with an operator certified at the appropriate level, or with another public or private entity with operators certified at the appropriate level.

2. Any such contract must be reviewed and approved by the Executive Secretary.

3. If the contract is with another entity, it must include the names of the certified individuals who will be in direct responsible charge of the operation of the facility. At a minimum the contract must contain the following elements:

a. A clear description of the overall duties and responsibilities of the facility owner and the responsibilities of the contracted DRC operator(s) related to the supervision of the facility's operation, including the frequency of visits and the duties to be performed.

b. Identification of the contract period and effective date of the contract

c. Consideration

d. Termination clause

e. Execution by authorized signatories

R317-10-6. Facility Classification System.

Treatment plants and collection systems shall be classified in accordance with Table 1.

TABLE 1
FACILITY CLASSIFICATION SYSTEM

FACILITY CATEGORY		CLASS I	II	III	IV
Collection and	Pop.	3,500	3,501 to	15,001 to	50,001

(1)	Served	and less	15,000	50,000	greater
Treatment Plant (2)	Range of Fac. Points	30 and less	31 to 55	56 to 75	76 and greater
Small Lagoon Systems(3)	Pop. Equiv. Served	3,500 and less			

(1) Simple "in-line" treatment (such as booster pumping, preventive chlorination, or odor control) is considered an integral part of a collection system.

(2) Treatment plants shall be assigned "facility points" in accordance with Table 2 "Wastewater Treatment Plant Classification System".

(3) A combined certificate shall be issued for treatment works/collection system operation.

TABLE 2
WASTEWATER TREATMENT PLANT CLASSIFICATION SYSTEM

Each Unit process should have points assigned only once.

Item	Points
SIZE (2 PT Minimum - 20 PT Maximum)	
Max. Population equivalent (PE) served, peak day(1)	1 - 10
Design flow average day or peak month average, whichever is larger(2)	1 - 10
VARIATION IN RAW WASTE (3)	
Variations do not exceed those normally or typically expected	0
Recurring deviations or excessive variations of 100 - 200% in strength and/or flow	2
Recurring deviations or excessive variations of more than 200% in strength and/or flow	4
Raw wastes subject to toxic waste discharges	6
Acceptance of septage or truck-hauled waste	2
PRELIMINARY TREATMENT	
Plant pumping of main flow	3
Screening, comminution	3
Grit removal	3
Equalization	1
PRIMARY TREATMENT	
Clarifiers	5
Imhoff tanks or similar	5
SECONDARY TREATMENT	

Fixed film reactor	10
Activated sludge	15
Stabilization ponds w/o aeration	5
Stabilization ponds w/aeration	8
TERTIARY TREATMENT	
Polishing ponds for advanced waste treatment	2
Chemical/physical advanced waste treatment w/o secondary	15
Chemical/physical advanced waste treatment following secondary	10
Biological or chemical/biological advanced waste treatment	12
Nitrification by designed extended aeration only	2
Ion exchange for advanced waste treatment	10
Reverse osmosis, electrodialysis and other membrane filtration techniques	15
Advanced waste treatment chemical recovery, carbon regeneration	4
Media Filtration	5
ADDITIONAL TREATMENT PROCESSES	
Chemical additions (2 pts./each for max. of 6 pts.)	2 - 6
Dissolved air flotation (for other than sludge thickening)	8
Intermittent sand filter	2
Recirculating intermittent sand filter	3
Microscreens	5
Generation of oxygen	5
SOLIDS HANDLING	
Solids conditioning	2
Solids thickening (based on technology)	2 - 5
Mechanical dewatering	8
Anaerobic digestion of solids	10
Utilization of digester gas for heating or cogeneration	5
Aerobic digestion of solids	6
Evaporative sludge drying	2
Solids reduction (including incineration, wet oxidation)	12
On-site landfill for solids	2
Solids composting	10
Land application of biosolids by contractor	2
Land application of biosolids under direction of facility operator in DRC	10
DISINFECTION (10 pt. max.)	
Chlorination or ultraviolet irradiation	5
Ozonation	10
EFFLUENT DISCHARGE (10 pt. max.)	
Mechanical Post aeration	2

Direct recycle and reuse	6
Land treatment and disposal (surface or subsurface)	4

INSTRUMENTATION (6 pt. max.)	
Use of SCADA or similar instrumentation systems to provide data with no process operation	0
Use of SCADA or similar instrumentation systems to provide data with limited process operation	2
Use of SCADA or similar instrumentation systems to provide data with moderate process operation	4
Use of SCADA or similar instrumentation systems to provide data with extensive/total process operation	6

LABORATORY CONTROL (15 pt. max)(4)	
Bacteriological/biological (5 pt. max):	
Lab work done outside the plant	0
Membrane filter procedures	3
Use of fermentation tubes or any dilution method (or E. coli determination)	5
Chemical/physical (10 pt. max):	
Lab work done outside the plant	0
Push-button, visual methods for simple tests (i.e. pH, settleable solids)	3
Additional procedures (ie, DO, COD, BOD, gas analysis, titrations, solids volatile content)	5
More advanced determinations (ie, specific constituents; nutrients, total oils, phenols)	7
Highly sophisticated instrumentation (i.e., atomic absorption, gas chromatography)	10

(1) 1 point per 10,000 P.E. or part; maximum of 10 points

(2) 1 point per MGD or part

(3) Key concept is frequency and/or intensity of deviation or excessive variation from normal or typical fluctuations; such deviation may be in terms of strength, toxicity, shock loads, inflow and infiltration, with point values ranging from 0 - 6.

(4) Key concept is to credit laboratory analyses done on-site by plant personnel under the direction of the operator in direct responsible charge with point values ranging from 0 - 15.

R317-10-7. Qualifications for Operator Grades.

A. General

1. "Qualification Points" means total of years of education and experience required. All substitutions are year for year equivalents. A college "year" is considered 45 quarter hours or 30 semester hours of credit.

2. College-level education must be in a job-related field to be credited. However, partial credit may be given for non-job related education at the discretion of the Council.

3. Experience may be substituted for a high school education or a graduate equivalence degree in Grades I and II only.

4. Education may be substituted for experience, as specified below.

B. Grade I - 13 points required

1. High school diploma or equivalency (12 points), or highest grade completed (one point per grade, up to 12 points).

2. One year operating experience (one point per year).

3. Experience may be substituted for all or any part of the education requirements, on a one-to-one basis.

4. Education may not be substituted for experience.

C. Grade II - 14 points required

1. High school diploma or equivalency (12 points), or highest grade completed (one point per grade, up to 12 points).

2. Two years operating experience (one point per year)

3. Up to one year of additional education may be substituted for an equivalent amount of operating experience.

4. Experience may be substituted for all or any part of the education requirement, on a one-to-one basis.

D. Grade III - 16 points required

1. High school diploma or equivalency (12 points), or highest grade completed (one point per grade, up to 12 points).

2. Four years operating experience (one point per year)

3. Up to 2 years of additional education may be substituted for an equivalent amount of operating experience. Relevant and specialized operator training may be substituted for education requirement, where 25 CEUs is equivalent to 1 year of education.

E. Grade IV - 18 points required

1. High school diploma or equivalency (12 points), or highest grade completed (one point per grade, up to 12 points)

2. Six years operating experience (one point per year)

3. Up to 2 years of additional education may be substituted for an equivalent amount of operating experience. Relevant and specialized operator training may be substituted for education requirement, where 25 CEUs is equivalent to 1 year of education.

R317-10-8. Council.

A. Members of the Council shall be appointed by the Board from recommendations made by interested organizations including the Department of Environmental Quality, Utah League of Cities and Towns, Water Environment Association of Utah, the Professional Wastewater Operators Division of the Water Environment Association of Utah, the Utah Rural Water Association, Utah Valley State College, and the Civil/Environmental Engineering Departments of Utah's universities. The Council shall serve at the discretion of the Board to oversee the certification program.

B. The Council shall consist of eight members as follows:

1. Three members who are operators holding valid certificates. At least one shall be a wastewater collection system operator.

2. One member with three years management experience in wastewater treatment and collection, who shall represent municipal wastewater management.

3. One member who is a civil or environmental engineering faculty member of a university in Utah.

4. One non-voting member who is a Senior Environmental

Engineer in the Division of Water Quality or other duly designated person who shall represent the Board.

5. One member from the private sector.

6. One member representing vocational training.

C. Voting Council members shall serve as follows:

1. Terms of office shall be for three years with two members retiring each year (except for the third year when three shall retire).

2. Appointments to succeed a Council member who is unable to serve his full term shall be for the remainder of the unexpired term.

3. Council members may be reappointed, but they do not automatically succeed themselves.

D. Each year the Council shall elect from its membership a Chairman and Vice Chairman.

E. The duties of the Council shall include:

1. Preparing and conducting examinations for the various grades of operators, and issuing and distributing the certificates.

2. Regularly reviewing the certification examinations to ensure compatibility between the examinations and operator responsibilities.

3. Ensuring that the certification examinations and training curricula are compatible.

4. Distributing examination applications and notices.

5. Receiving all applications for certification and evaluating the record of applicants as required to establish their qualifications for certification under this rule.

6. Maintaining records of operator qualifications and certification.

7. Preparing an annual report for distribution to the Board and other interested parties.

F. A majority of voting members shall constitute a quorum for the purpose of transacting official Council business.

R317-10-9. Application for Examination.

Prior to taking an examination, an applicant must file an application of intention with the Council, accompanied by evidence of qualifications for certification in accordance with the provisions of this rule on application forms available from the Council.

R317-10-10. Examination.

A. The time and place of examinations to qualify for a certificate shall be determined by the Council. All examinations shall be graded and the applicant notified of the results. Examination fees shall be charged to cover the costs of testing.

B. Normally, all examinations for certification shall be written. However, upon request an oral examination will be given. Such examination shall be conducted by at least two people, at least one of whom is a Council member. Those persons assisting the Council member must be approved by the Council. All exams shall be administered in a manner that will ensure the integrity of the certification program.

3.10

C. In the event an applicant fails an exam, the applicant may request to review the exam within 30 days following receipt of the exam score. The Council shall not review examination questions for the purpose of changing individual examination scores. However, questions may be edited for future examinations. If an error is found in the grading of the exam, credit may be given.

R317-10-11. Certificates.

A. All certificates shall indicate one of the following grades for which they are issued.

1. Wastewater Treatment Operator - Grades I through IV.

2. Restricted Wastewater Treatment Operator - Grades I through IV.

3. Wastewater Collection Operator - Grades I through IV.

4. Restricted Wastewater Collection Operator - Grades I through IV.

5. Small Lagoon System Operator - Grade I Wastewater Treatment and Collection System Combined.

6. Restricted Small Lagoon System Operator - Grade I Wastewater Treatment and Collection System Combined.

B. An applicant shall have the opportunity to take any grade of examination. A restricted certificate shall be issued if the applicant passes the exam but lacks the experience or education required for a particular grade.

An unrestricted certificate shall be issued if the applicant passes the exam and the experience and education requirements appropriate to the particular grade are met. Restricted certificates shall become unrestricted when the appropriate experience and education requirements are met and a change in status fee is paid. A restricted certificate does not qualify a person as a certified operator at the grade level that the restricted certificate is issued, until the limiting conditions are met, except as provided in R317-10-5. Upon application, a restricted certificate may be renewed subject to the conditions in C below. Replacement certificates may be obtained by payment of a duplicate certificate fee.

C. Certificates shall continue in effect for a period of up to three years unless revoked prior to that time. The certificate must be renewed each three years by payment of a renewal fee and submittal of evidence of required CEUs. The certificates expire on December 31 of the last year of the certificate. Operators considered in DRC must renew by the expiration date in order for the wastewater works to remain in compliance with this rule. Request for renewal shall be made on forms supplied by the Council. It shall be the responsibility of the operator to make application for certificate renewal.

D. An expired certificate may be reinstated within [~~three months~~]one year after expiration by payment of a reinstatement fee. After [~~three months~~]one year, an expired certificate cannot be reinstated, and the operator must retest to become certified. The required CEUs for renewal must be accrued before expiration of the certificate. When unusual circumstances exist, an operator may petition the Council to request additional time to meet the

requirements. Each petition will be considered on its own merits.

E. CEUs must be earned during the 3 year period prior to the expiration date of the certificate.

F. The Council may, after appropriate review, waive examination of applicants holding a valid certificate or license issued in compliance with other certification plans having equivalent standards, and issue a comparable Utah certificate upon payment of a reciprocity fee.

If the applicant is working in another state at the time of application, or has relocated to Utah but has not yet obtained employment in the wastewater field in Utah, a letter of intent to issue a certificate by reciprocity may be provided. When the applicant provides proof of employment in the wastewater field in Utah, and meets all other requirements, a certificate may be issued.

G. A grandfather certificate shall be issued, upon application and payment of an administrative fee, to qualified operators who must be certified (chief operators, supervisors, or anyone considered in direct responsible charge). The certificate shall be valid only for the wastewater works at which the operator is employed as that facility existed on March 16, 1991. Operators must obtain initial certification on or before March 16, 1994. The certificate may not be transferred to another facility or person. If the facility undergoes an addition of a new process, even if the facility classification does not change, or the collection system has a change in rating, the respective operator must obtain a restricted or unrestricted certificate within one year as specified in this rule.

Grandfather certificates shall be issued for a period of up to three years and must be renewed prior to the expiration date to remain in effect. Renewal shall include the payment of a renewal fee and submittal of evidence of required CEUs. The renewal fee shall be the same as that charged for renewal of other certificates. If the grandfather certificate is not renewed prior to the expiration date, the wastewater works may be considered to be out of compliance with this rule. The operator would then be required to pass the appropriate certification examination to become a certified operator.

The grandfather certificate shall be issued if the currently employed operator:

1. Was a chief operator or person in direct responsible charge of the wastewater works on March 16, 1991; and

2. Had been employed at least ten years in the operation of the wastewater works prior to March 16, 1991; and

3. Demonstrates to the Council his capability to operate the wastewater works at which he is employed by providing employment history and references.

R317-10-12. CEUs and Approved Training.

A. CEUs shall be required for renewal of each certificate according to the following schedule:

TABLE 3
REQUIRED CEUs FOR RENEWAL OF EACH CERTIFICATE

3.12

OPERATOR GRADE	CEUs REQUIRED IN A 3-YEAR PERIOD
Grade I	2
Grade II	2
Grade III	3
Grade IV	3

B. All CEUs for certificate renewal shall be subject to review for approval to ensure that the training is applicable to wastewater works operation and meets CEU criteria. Identification of approved training, appropriate CEU or credit assignment and verification of successful completion is the responsibility of the Council. Training records shall be maintained by the Council.

C. All in-house or in-plant training which is intended to meet any part of the CEU requirements must be approved by the Council. In-house or in-plant training must meet the following general criteria to be approved:

1. Instruction must be under the supervision of an instructor approved by the Council.

2. An outline must be included with all submittals listing subjects to be covered and the time allotted to each subject.

3. A list of the teacher's objectives must be submitted which documents the essential points of the instruction ("need-to-know" information) and the methods used to illustrate these principles.

D. No more than one-half of required CEU credits, over a three-year period prior to the expiration date of a certificate, shall be given for registration and attendance at the annual technical program meetings of the Water Environment Association of Utah, the Water Environment Federation, Rural Water Association of Utah, or similar organizations.

E. Training must be related to the responsibilities of a wastewater works operator. If a person holds multiple wastewater operator certificates (treatment and collection), CEU credit may be received for each certificate from one training experience only if the training is applicable to each certificate. It is recommended that at least one-half of the required CEUs be technical training directly related to the job duties.

R317-10-13. Recommendations of the Council.

A. Initial recommendations. All decisions of the Council shall be in the form of recommendations for action by the Executive Secretary. The Council shall notify an applicant of any initial recommendation. Any such applicant may, within 30 days of the date the Council's notice was mailed, request reconsideration and an informal hearing before the Council by writing to: Wastewater Operator Certification Council, Division of Water Quality, Department of Environmental Quality, State of Utah, Salt Lake City, Utah 84114-4870. The Council shall notify the person of the time and location for the informal hearing.

B. Following the informal hearing, or the expiration of the period for requesting reconsideration, the Council shall notify the Executive Secretary of its final recommendation.

C. A challenge to the Executive Secretary's determination regarding Certification may be made as provided in R317-9-3.

R317-10-14. Certificate Suspension and Revocation Procedures.

A. Grounds for suspending or revoking an operator's certificate may be any of the following:

1. Demonstrated disregard for the public health and safety;

2. Misrepresentation or falsification of figures and/or reports submitted to the State;

3. Cheating on a certification exam;

4. Falsely obtaining or altering a certificate; or

5. Gross negligence, incompetence or misconduct in the performance of duties as an operator.

B. Suspension or revocation may result where it may be shown that circumstances and events relative to the operation of the wastewater works were under the operator's jurisdiction and control. Circumstances beyond the control of an operator shall not be grounds for suspension or revocation action.

C. The Council may make recommendations to the Executive Secretary regarding the suspension or revocation of a certificate. Prior to making any such recommendation, the Council shall inform the individual in writing of the reasons the Council is considering such a recommendation. The Council shall allow the individual an opportunity for an informal hearing before the Council. Any request for an informal hearing shall be made within 30 days of the date the Council's notification is mailed.

D. Following an informal hearing, or the expiration of the period for requesting a hearing, the Council shall notify the Executive Secretary of its final recommendation.

E. A challenge to the Executive Secretary's determination may be made as provided in R317-9-3.

R317-10-15. Noncompliance.

A. Noncompliance with these Certification rules is a violation of Section 19-5-115 Utah Code Annotated.

B. The Council shall refer cases of noncompliance with this rule to the Executive Secretary.

KEY: water pollution, operator certification, wastewater treatment
Date of Enactment or Last Substantive Amendment: October 22, 2007
Notice of Continuation: October 2, 2007
Authorizing, and Implemented or Interpreted Law: 19-5

State of Utah

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Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

MEMORANDUM

TO: Water Quality Board Members

THROUGH: Walter L. Baker, Director

FROM: Carl Adams, Watershed Protection Section Manager

DATE: August 11, 2011

SUBJECT: Request to proceed to rulemaking for adoption of TMDL by reference

The Division received approval in September 2010 from EPA Region 8 for the Pariette Draw TMDL. The Board granted permission to initiate rulemaking to adopt this TMDL into R317-1-7 in February 2011. However the filing deadline was missed following the 30 day DAR Public Notice period requiring this rule change to be re-noticed. Staff recommends the Board makes a motion for the adoption of the Pariette Draw TMDL into rule pending no adverse public comments.

The Pariette Draw TMDL includes non-point source load allocations for three parameters, Selenium, Boron and Total Dissolved Solids. There are no permitted point source dischargers within the watershed. Attached is a general rationale of the approach for completing TMDLs and an executive summary of the TMDL proposed for adoption. Also attached is a proposed version of R317-1-7 that includes the revised dates as underlined of the recently approved TMDL.

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TOTAL MAXIMUM DAILY LOADS (TMDLs)

Under the scope of the Federal Clean Water Act (CWA) states assess water quality and identify impaired waters (303(d) list). The purpose of developing TMDLs for these impaired waters is to develop a locally led strategy to restore, protect, and maintain the quality of waters of the state for their designated beneficial uses.

It is the Division of Water Quality's policy to develop plans and strategies through a locally led, collaborative process with watershed stakeholders.

Management plans or TMDLs contain assessments pertinent to the defined beneficial uses, discussions of water quality standards associated with those beneficial uses, determinations of loading capacity of impaired waters, calculations of excess pollutant loads, designation of all significant sources of the pollutant and an allocation for reduction of excess pollutant loads. The load evaluation includes both point and nonpoint sources in addition to defining a margin of safety due to uncertainties related to the development of the TMDL.

TMDLs also require information related to reserve capacity for future growth from new or expanded sources and the potential seasonal variation or establishment of a critical time period related to the exceedances of water quality standards or support of the defined beneficial use. TMDLs define potential implementation strategies and establish a reasonable assurance that attainment of water quality standards will occur through implementation of the recommendations of the TMDL.

The TMDL process typically culminates in the selection of one of three initial alternatives: delisting of an impaired waterbody based on new data or enhanced understanding of existing data relative to the defined impairment; modification of the water quality standards through refined numeric criteria or alteration of defined beneficial uses based on the natural potential of the impaired waterbody; or an approved TMDL with its defined strategies and recommendations to restore or improve water quality for the attainment of current defined water quality standards or defined beneficial uses.

The following executive summary of the approved TMDL is petitioned for incorporation into the "Definitions and General Requirements" of R317-1-7, Utah Administrative Code.

Executive Summary

Pariette Draw TMDL

Major Land Uses

- Agriculture
- Oil and Gas Extraction
- Managed Wetlands

Main Sources of Loading

- Green River Geologic Formation
- Irrigation return flows
- Groundwater

Implementation Strategy

- Improve and maintain irrigation efficiency projects
- Minimize surface runoff, seepage and deep percolation
- Characterize mobilization and bio-accumulation of Selenium through wetlands
- Re-evaluate TMDL pending results of cooperative study

Parameter of concern

- Boron – 64% reduction
- Impaired Beneficial Use
- Agricultural Use (4)

Parameter of concern

- Total Dissolved Solids – 75% reduction

Impaired Beneficial Use

- Agricultural Use (4)

Parameter of concern

- Selenium – 73% reduction

Impaired Beneficial Use

- Warm water fisheries (3B) and Waterfowl (3D)

Margin of Safety

- 10% explicitly (10% of loading capacity)

R317-1-7. TMDLs.

The following TMDLs are approved by the Board and hereby incorporated by reference into these rules:

7.1 Middle Bear River - February 23, 2010

7.2 Chalk Creek -- December 23, 1997

7.3 Otter Creek -- December 23, 1997

7.4 Little Bear River -- May 23, 2000

7.5 Mantua Reservoir -- May 23, 2000

7.6 East Canyon Creek -- September 14, 2010

7.7 East Canyon Reservoir -- September 14, 2010

7.8 Kents Lake -- September 1, 2000

7.9 LaBaron Reservoir -- September 1, 2000

7.10 Minersville Reservoir -- September 1, 2000

7.11 Puffer Lake -- September 1, 2000

7.12 Scofield Reservoir -- September 1, 2000

7.13 Onion Creek (near Moab) -- July 25, 2002

7.14 Cottonwood Wash -- September 9, 2002

7.15 Deer Creek Reservoir -- September 9, 2002

7.16 Hyrum Reservoir -- September 9, 2002

7.17 Little Cottonwood Creek -- September 9, 2002

7.18 Lower Bear River -- September 9, 2002

7.19 Malad River -- September 9, 2002

7.20 Mill Creek (near Moab) -- September 9, 2002

7.21 Spring Creek -- September 9, 2002

7.22 Forsyth Reservoir -- September 27, 2002

7.23 Johnson Valley Reservoir -- September 27, 2002

7.24 Lower Fremont River -- September 27, 2002

7.25 Mill Meadow Reservoir -- September 27, 2002

7.26 UM Creek -- September 27, 2002

7.27 Upper Fremont River -- September 27, 2002

7.28 Deep Creek -- October 9, 2002

7.29 Uinta River -- October 9, 2002

7.30 Pineview Reservoir -- December 9, 2002

7.31 Browne Lake -- February 19, 2003

7.32 San Pitch River -- November 18, 2003

7.33 Newton Creek -- June 24, 2004

7.34 Panguitch Lake -- June 24, 2004

7.35 West Colorado -- August 4, 2004

7.36 Silver Creek -- August 4, 2004

7.37 Upper Sevier River -- August 4, 2004

7.38 Lower and Middle Sevier River -- August 17,2004

7.39 Lower Colorado River -- September 20, 2004

7.40 Upper Bear River -- August 4, 2006

7.41 Echo Creek -- August 4, 2006

7.42 Soldier Creek -- August 4, 2006

7.43 East Fork Sevier River -- August 4, 2006

7.44 Koosharem Reservoir -- August 4, 2006

7.45 Lower Box Creek Reservoir -- August 4, 2006

7.46 Otter Creek Reservoir -- August 4, 2006

7.47 Thistle Creek -- July 9, 2007

7.48 Strawberry Reservoir -- July 9, 2007

7.49 Matt Warner Reservoir -- July 9, 2007

7.50 Calder Reservoir -- July 9, 2007

7.51 Lower Duchesne River -- July 9, 2007

7.52 Lake Fork River -- July 9, 2007

7.53 Brough Reservoir -- August 22, 2008

7.54 Steinaker Reservoir -- August 22, 2008

7.55 Red Fleet Reservoir -- August 22, 2008

7.56 Newcastle Reservoir -- August 22, 2008

7.57 Cutler Reservoir -- February 23, 2010

7.58 Pariette Draw - September 28, 2010

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Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

MEMORANDUM

TO: Water Quality Board Members

THROUGH: Walter L. Baker, Director

FROM: Carl Adams, Watershed Protection Section Manager

DATE: August 11, 2011

SUBJECT: Request to proceed to rulemaking for adoption of Emigration Creek TMDL by reference

Staff is recommending we proceed to rulemaking for the adoption of the Upper Emigration Creek TMDL into R317-1-7. This will be the first TMDL approved by the Board prior to EPA approval. The Upper Emigration Creek TMDL includes non-point source load allocations for *E. coli*. There are no permitted point source dischargers within the watershed.

Attached is a general rationale of the approach for completing TMDLs and an executive summary of the TMDL proposed for adoption. Also attached is a proposed version of R317-1-7 that includes the revised dates as underlined of the Upper Emigration Creek TMDL.

The public comment periods ended August 19th. Staff petitions the Board to approve the TMDL and initiate rulemaking pending no public opposition. The TMDL will be submitted to EPA for approval after the Board adopts the TMDL into Rule.

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TOTAL MAXIMUM DAILY LOADS (TMDLs)

Under the scope of the Federal Clean Water Act (CWA) states assess water quality and identify impaired waters (303(d) list). The purpose of developing TMDLs for these impaired waters is to develop a locally led strategy to restore, protect, and maintain the quality of waters of the state for their designated beneficial uses.

It is the Division of Water Quality's policy to develop plans and strategies through a locally led, collaborative process with watershed stakeholders.

Management plans or TMDLs contain assessments pertinent to the defined beneficial uses, discussions of water quality standards associated with those beneficial uses, determinations of loading capacity of impaired waters, calculations of excess pollutant loads, designation of all significant sources of the pollutant and an allocation for reduction of excess pollutant loads. The load evaluation includes both point and nonpoint sources in addition to defining a margin of safety due to uncertainties related to the development of the TMDL.

TMDLs also require information related to reserve capacity for future growth from new or expanded sources and the potential seasonal variation or establishment of a critical time period related to the exceedances of water quality standards or support of the defined beneficial use. TMDLs define potential implementation strategies and establish a reasonable assurance that attainment of water quality standards will occur through implementation of the recommendations of the TMDL.

The TMDL process typically culminates in the selection of one of three initial alternatives: delisting of an impaired waterbody based on new data or enhanced understanding of existing data relative to the defined impairment; modification of the water quality standards through refined numeric criteria or alteration of defined beneficial uses based on the natural potential of the impaired waterbody; or an approved TMDL with its defined strategies and recommendations to restore or improve water quality for the attainment of current defined water quality standards or defined beneficial uses.

The following executive summary of the approved TMDL is petitioned for incorporation into the "Definitions and General Requirements" of R317-1-7, Utah Administrative Code.

Executive Summary

Upper Emigration Creek TMDL

Parameter of concern

- *Escherichia coli (E. coli)*

Impaired Beneficial Use

- Infrequent contact recreational use (2B)

Major Land Uses

- Commercial
- Residential
- Forest

Main Sources of Loading

- Residential waste disposal
- Wildlife and domestic pets
- Stormwater runoff
- Groundwater seepage from holding vaults & septic tank leach fields

Implementation Strategy

- Perform septic system dye study (2012)
- Characterize human versus non-human sources (microbial source tracking)
- Improve streamside vegetated buffers
- Minimize runoff through BMPs
- Implement pet litter control program
- Continued management of outreach and education programs

TMDL

- 71% reduction needed during July, August, & September
- Margin of Safety - 10% explicitly

R317-1-7. TMDLs.

The following TMDLs are approved by the Board and hereby incorporated by reference into these rules:

7.1 Middle Bear River – February 23, 2010

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7.57 Cutler Reservoir -- February 23, 2010

7.58 Pariette Draw - September 28, 2010

7.59 Upper Emigration Creek - August 29, 2011

State of Utah

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Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

MEMORANDUM

TO: Utah Water Quality Board

THROUGH: Walter Baker

FROM: John Kennington

DATE: August 10, 2011

SUBJECT: R317-8-9, "Pesticide Discharge Permit" Rule, Request for Rulemaking

This action item is a request for approval to go to rulemaking for a new UPDES "Pesticide Discharge Permit" rule.

Background

The application of pesticides in Utah, even those applied on or near waters of the State, has traditionally been regulated through the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In Utah that program has been administrated by the Department of Agriculture and Food.

On November 27, 2006, the EPA issued a rule clarifying two specific circumstances, in which a National Pollutant Discharge Elimination System (NPDES) permit would not be required, to apply pesticides in, or around water. The rule became effective on January 26, 2007.

On January 9, 2009, the US Sixth Circuit Court vacated EPA's 2006 NPDES Pesticides Rule. The Court held that the Clean Water Act unambiguously includes "biological pesticides" and "chemical pesticides", with residuals, within its definition of "pollutant". Chemical pesticide residuals are pollutants if they are discharged from a point source, and thus require an NPDES permit issued under the auspices of the Clean Water Act. Biological pesticides are always considered pollutants regardless of whether the application results in residuals and require an NPDES permit for all discharges from a point source.

The EPA subsequently requested a two-year stay in implementation of the NPDES permitting program, which was granted by the court. NPDES permits were to be required no later than April 9, 2011, for pesticide discharges that may result in overspray to, or which may land on waters of the U.S. In May, 2011 the EPA requested and was granted an additional stay from the Court

3.27

extending the required NPDES pesticide permitting deadline to October 31, 2011.

The EPA has developed its own Pesticide General Permit (PGP) for the five states which do not have delegated UPDES programs. Utah has also developed its own PGP through its UPDES program for permitting Utah's pesticide operators by that same deadline.

Although the Division already has authority to issue general permits with its existing R317-8 "UPDES" rule, it decided, for best user notification and transparency, to produce an additional section within that rule, which is specific to Pesticide permitting. This new rule section (R317-8-9, "Pesticide Discharge Permit") contains basic information regarding which entities (operators) need a PGP and when they must apply for it. It is anticipated that the accompanying PGP will cover almost all pesticide operators, but the new rule section also specifies contingencies for issuing an individual permit to cover unusual site specific conditions, if such is necessary.

The Division would like to post the rule for public comment between September 15 and October 15, 2011, as the rule should be effective by October 29, 2011 to meet the Court mandate for NPDES permit coverage.

The proposed rule language is attached for your review. The new language will be added to R317-8, the UPDES rule, principally as Section R317-8-9. There is one additional page from R317-8-2.1 with new rule language, as well. Only the pages of R317-8 affected by the changes for the new rule are attached, with the new language text shaded for clarity.

If you have any questions regarding the rule please contact John Kennington (801-536-4380, jkennington@utah.gov) or Mark Schmitz (801-536-4384, mschmitz@utah.gov) of the DWQ staff.

F:JK\Pesticide permitting\R 317-8-9 WQB 082911 Mtg M.doc

R317-8, New Pesticide Rule Language Inserts into R317-8

(New, added rule language is shaded)

(....existing, beginning R317-8 rule language not shown.....)

R317-8-2. Scope and Applicability.

2.1 APPLICABILITY OF THE UPDES REQUIREMENTS. The UPDES program requires permits for the discharge of pollutants from any point source into waters of the State. The program also applies to owners or operators of any treatment works treating domestic sewage, whether or not the treatment works is otherwise required to obtain a UPDES permit in accordance with R317-8-8. Prior to promulgation of State rules for sewage sludge use and disposal, the Executive Secretary shall impose interim conditions in permits issued for publicly owned treatment works or take such other measures as the Executive Secretary deems appropriate to protect public health and the environment from any adverse affects which may occur from toxic pollutants in sewage sludge.

(1) Specific inclusions. The following are examples of specific categories of point sources requiring UPDES permits for discharges. These terms are further defined in R317-8-3.5 through R317-8-~~8.10~~9.3.

(a) Concentrated animal feeding operations;

(b) Concentrated aquatic animal production facilities;

(c) Discharges into aquaculture projects;

(d) Storm water discharges;

(e) Silvicultural point sources; and

(f) Pesticide discharges.

(2) Specific exclusions. The following discharges do not require UPDES permits:

(a) Any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to rubbish, trash, garbage, or other such materials discharged overboard; nor

(...existing, intervening R317-8 rule language not shown....New Pesticide Rule Section R317-8-9 will be added to the end of the existing R317-8 rule as shown below.)

R317-8-9. Pesticide Discharge Permit.

9.1 APPLICABILITY.

(1) This section applies to qualified groups of operators who discharge on or near surface waters of the State from the application of (1) biological pesticides or (2) chemical pesticides (hereinafter collectively "pesticides"), when the pesticide application is for one of the following pesticide use patterns below:

(a) Mosquito and Other Insect Pests - to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include but are not limited to mosquitoes and black flies.

(b) Weed and Algae Control - to control invasive or other nuisance weeds and algae in water and at water's edge, including irrigation ditches and/or irrigation canals.

(c) Aquatic Nuisance Animal Control - to control invasive or other nuisance animals in water and at water's edge. Aquatic nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks.

(d) Forest Canopy Pest Control - aerial application of a pesticide over a forest canopy to control the population of a pest species (e.g., insect or pathogen) where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water.

(2) Qualified Operator Groups. Certain types of entities (operators), engaged in the above pesticide use patterns, will be required to submit a NOI and obtain coverage under a Pesticide General Permit (PGP) as detailed below:

Operator Group 1 - All Operators involved with any discharges to Category 3.5 (formerly Category 1, R317-2-12) waters of the State. All operators involved in the discharge of pesticides on or near surface waters of State, which have been determined by the Water Quality Board to be Category 3.5 waters of the State (known as Tier 3 Waters in the Federal Permit), must submit a NOI to obtain coverage under the PGP. The NOI must detail each area and watershed

where a discharge is to occur. Only pesticide applications which are made to restore or maintain water quality or to protect public health or the environment would be covered under the PGP for discharges on or near Category 3.5 surface waters of the State.

Operator Group 2 - All Government or Quasi-Governmental Agencies or Special Service Districts. All government agency operators (federal, state, county or local agencies and special service districts) involved in the discharge of pesticides under the conditions described above, as a primary purpose or as a significant activity in their operations, must submit a NOI describing each area and watershed where a discharge is to occur to obtain PGP coverage regardless of the size of the area to be treated.

Operator Group 3 - Other Operators. Other operators engaged in the discharge of pesticides for the conditions described above as a primary purpose or as a significant activity in their operations, like private pest control companies, water supply or canal companies or other large operators whose discharges exceed the treatment area thresholds detailed in Table 2 below must apply for a NOI to obtain coverage under the PGP.

Operator Group 4 - Operators involved in a "Declared Pest Emergency Situation". All operators that otherwise aren't required to obtain a NOI, but become involved in a "declared pest emergency situation", as defined below, and will exceed any of the treatment area thresholds in Table 2 must submit a NOI to obtain PGP coverage as detailed in Table 1 below.

9.2 DEFINITIONS. The following definitions specifically pertain to aspects of Pesticides discharge permitting in the UPDES program and should be used in conjunction with the definitions shown in R317-1-1 and R317-8-1.5.

(1) "Biological Pesticides" (also called biopesticides) means microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that (a) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (b) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaebacteria; or (c) is a parasitically

replicating microscopic element, including but not limited to, viruses. [40 CFR 158.2100(b)]

(2) "Biochemical pesticide" means a pesticide that (a) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (b) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticide, is equivalent to a naturally-occurring substance that has such a history; and (c) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]

(3) "Chemical Pesticides" means all pesticides not otherwise classified as biological pesticides.

(4) "Declared Pest Emergency Situation" means an event defined by a public declaration by a federal agency, state, or local government of a pest problem determined to require control through application of a pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on a; significant risk to human health; significant economic loss; or significant risk to Endangered species, Threatened species, Beneficial organisms, or, the environment.

(5) "NOI" means "Notice of Intent", the formal document submitted by an operator to the Division of Water Quality (DWQ) to request coverage under the Pesticide General Permit. The NOI will be electronically submitted through a web-based application on the Division of Water Quality website.

(6) "Operator" means any entity involved in the application of a pesticide which may result in a discharge to waters of the State that meets either or both of the following two criteria:

(a) The entity has control over the financing for, or the decision to perform pesticide applications that result

in discharges, including the ability to modify those decisions or;

(b) The entity has day-to-day control of, or performs activities that are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves).

(7) "Surface waters of the State" means waterbodies, waterways, streams, lakes or rivers that contain standing or flowing water at the time of pesticide application.

(8) "Treatment Area" means the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits or may have an environmental impact. In some instances, the treatment area will be larger than the area where pesticides are actually applied.

9.3 ADMINISTRATIVE REQUIREMENTS.

(1) All operators who are included in the use patterns specified in R317-8-9.1, and discharge to active surface waters of the State as a result of the application of a pesticide must be covered by a UPDES permit, beginning October 31, 2011, by submitting a NOI to obtain coverage under the Pesticide General Permit (PGP). In the event that a discharge occurs prior to submitting a NOI, you must comply with all other requirements of the PGP immediately. All operators will automatically be covered under the PGP for the first five-year permit term of October 31, 2011 to October 30, 2016 if they submit a NOI between April 1, 2012 and July 1, 2012. To obtain PGP coverage for the second and all succeeding PGP five-year terms, all operators must submit a NOI prior to the expiration date (October 30) of the PGP every five years. Each NOI submission will secure permit coverage for the full five-year term of the PGP.

(2) New, qualified operators, who require PGP coverage after July 1, 2012 must submit a NOI in accordance with Table 1 below. The NOI will secure PGP coverage for the remainder of the five-year term of the PGP in effect at that time. For continued PGP coverage, a new NOI must be submitted before the expiration of the present PGP, as detailed above.

Table 1. Discharge Authorization Date (a/)

Category	NOI Submittal Deadline	Discharge Authorization Date
Operators who know or should have reasonably known, prior to commencement of discharge, that they will exceed an annual treatment area threshold identified in R317-8-9.3 (2).	At least 10 days prior to commencement of discharge	Not earlier than 10 days after the DWQ posts the Internet receipt of your complete and accurate NOI.
Operators who do not know or would have reasonably not known until after commencement of discharge, that they will exceed an annual treatment area threshold identified in R317-8-9.3 (2).	At least 10 days prior to exceeding an annual treatment area threshold.	Original authorization terminates when annual treatment area threshold is exceeded. Operator is reauthorized no earlier than 10 days after DWQ posts on the Internet receipt of your complete and accurate NOI.
Operators commencing discharge in response to a declared pest emergency situation.	No later than 30 days after commencement of discharge.	Immediately, for activities conducted in response To a declared pest emergency situation.

a/ In the event that a discharge occurs prior to your submitting a NOI, you must comply with all other requirements of the PGP immediately.

(3) PGP coverage may be terminated by non-submission of a NOI at the end of the present PGP five-year term, or by submission of a signed Notice of Termination (NOT) form to the DWQ, which is available on the DWQ website.

(4) Annual Treatment Area Thresholds.

Table 2. Annual Treatment Area Thresholds

Rule Section	Pesticide Use Class	Annual Threshold
R317-8-9.1(1)(a)	Mosquitoes and Other Insect Pests	6,400 acres of Treatment Area
R317-8-9.1(1)(b)	Weed and Algae Control	
	-In Water	80 acres of treatment area[1]
	-At Water's Edge	100 linear miles of treatment area at water's edge[2]
R317-8-9.1(1)(c)	Aquatic Nuisance Animal Control	
	-In Water	80 acres of treatment area[1]
	-At Water's Edge	100 linear miles of treatment area at water's edge[2]
R317-8-9.1(1)(d)	Forest Canopy Pest Control	6,400 acres of treatment area

[1]Calculations should include the area of the applications made to active surface waters of the State at the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a ten acre site should be counted as twenty acres of treatment area.

[2]Calculations should include the linear extent of the application made at water's edge adjacent to active surface waters of the State and at the time of pesticide application. For calculating annual treatment totals, count each pesticide application activity and each side of a linear water body as a separate activity or area. For example, treating both sides of a ten mile ditch is equal to twenty miles of water treatment area.

(5) All applicators or operators, whether or not falling into the use categories, or required to obtain PGP coverage, or whether or not meeting the minimum annual treatment area thresholds shown in R317-8-9.3(4) must conform to the Technology Based Effluent limitations in the PGP and to all applicable rules and regulations of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The permittee is expected to familiarize himself with the PGP and conform to its requirements, if he discharges any

pesticides prior to obtaining a NOI. After July 1, 2012 the permittee is authorized to discharge under the terms and conditions of the PGP only with submission of a completed electronic NOI in accordance with Table 1 above.

(6) Based on a review of the NOI or other information, the DWQ may delay authorization to discharge under the PGP or may determine that additional technology-based and/or water quality-based effluent limitations are necessary; or may deny coverage under this PGP and require submission of an application for an individual UPDES permit in accordance with this rule. If the Executive Secretary determines an individual UPDES permit is required, that permitting process will proceed independently.

KEY: water pollution, discharge permits
Date of Enactment or Last Substantive Amendment: April 7, 2009
Notice of Continuation: October 4, 2007

F:JK\Pesticide permitting\R317-8 Annotated Pest Rule WQB Lang 080911.DOC

Layton decides to upgrade sewer lines - Standard-Examiner

http://www.standard.net/stories/2011/08/16/layton-decides-upgrade-sewer-lines%23.TkvcS3CyqUw.printfriendly August 17, 2011

LAYTON -- While fixing some roads that need repair, Layton city has decided to also replace pipes underneath the roads before those old, deteriorating pipes become a problem.

For the next five weeks, Layton city will be upgrading the sewer line and water line around the intersection of Fort Lane and Gentile Street. When that is done, crews will resurface the roads.

"The road itself is needing an upgrade, but before we do that, we wanted to fix anything under the road that would need to be fixed, so we don't need to replace the road in the future," Layton's traffic engineer, Alan Moss, said.

The pipe currently under the road is old, six-inch clay sewer pipe that is deteriorating. Crews will replace that pipe with new eight-inch PVC sewer pipe, which will help to prevent future problems in this area.

Crews will also replace the water line and valves on Gentile Street and approximately 200 feet to the south on Fort Lane.

"The water line valves are in bad shape, and we hope to work at night to prevent traffic interruptions," Moss said. "This whole project hopefully will prevent future outages that would affect many people."

During the project, crews will make new water and sewer line connections to homes and businesses. Efforts are being made to reduce the downtime to water and sewer services this construction may cause to the residents along Fort Lane. However, there may be times when services will be temporarily halted to complete the necessary connections.

"Unfortunately, there will be some disruption to people," Moss said. "But at least it's a planned disruption and not emergency repairs that come in the middle of the night."

Moss said 24-hour advance notice will be given to residents who are affected by any temporary loss of services.

Moss said he hopes the project is completed by the end of September.

Layton originally planned to add a storm drain system on Elm Street from the east side of 490 E. St. and connect to the existing storm drain on Fort Lane. However, Moss said the city has run into some problems that may cancel that project.

"There are some fiber-optic cables going through there, and we're not sure if we'll be able to get around that," Moss said. "We just haven't decided yet. We have to see if we can design something around that."

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Deseret News

Chevron oil spill price tag: $75 million and counting

Published: Wednesday, Aug. 10, 2011 3:15 p.m. MDT

SALT LAKE CITY — Chevron Pipeline has spent $75 million to clean up a pair of spills in 2010 that dumped a combined 1,050 barrels of oil into the soil near Red Butte Garden and into the creek, turning the lake at Liberty Park into an oil slick and killing off all the fish.

The price tag is continuing to mount, too, as remediation continues and the most extensive sampling of soils and the creek to date will begin Aug. 23.

Signs are being placed at 21 areas along the creek corridor to advise residents and users on how to report any oil residue they might encounter. The sampling will be in the no stone-unturned vein, involving an assessment of the soil along the creek bank, the lifting up of rocks in the creek bed and testing of the water itself, said Rolf Larsen, an environmental health scientist with the Salt Lake Valley Department of Health.

"We're pretty sure all the oil has been cleaned up, but you never know," Larsen said. "Visually, you don't see anything, but this will help determine what is left to do."

The concern is high flows from a rampant and delayed spring runoff may have loosened some residue that had clung to large rocks in the bottom of the creek or washed away soils along the bank that contain contaminants.

Larsen, addressing participants gathered Wednesday at the 2011 Salt Lake Countywide Watershed Symposium, said the tests will run the gamut and deliver a more exact barometer on the health of the riparian waterway.

The spill had far-reaching impacts that continue to play out more than a year later, he said.

All the fish died, as well as some large, old trees at the spill site that had their root system literally flooded with the oil release. All of the aquatic insects that fish depend on to live were wiped out in the spill and have returned to only half their numbers a year later, Larsen said.

Sampling done of late has shown "very few detections" coming in bearing petroleum contaminants, he said, adding the difficulty in determining cleanup success is hard to gauge not knowing if those contaminants are from the spill or come from typical urban storm system runoff.

In this next round of sampling, residents should expect to see teams out over a three to four day period, said John Whitehead, assistant director of the state Division of Water Quality.

"We're hoping to get a good snapshot of where we stand a year and a couple of months later."

While visually the oil appears to be gone, Whitehead said there continues to be certain events that trigger an odor of oil, prompting calls by residents.

"We have had enough reports that know there are odors that come on under certain conditions — when we have a rainfall event or some other event that happens."

Whitehead said this battery of tests will determine what areas may continue to need remediation, what areas can be deemed free of Chevron oil and where it makes sense to continue any cleanup.

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The first spill, caused June 11, 2010 during a summer thunderstorm, happened after wind knocked a tree into a power line, sending an arc of electricity down a fence post into Chevron's pipe buried 3 feet down.

The arc left a quarter-sized hole in the pipe, allowing 33,000 gallons of oil — or 800 barrels — to escape into the surrounding soil and into Red Butte Creek. The spill went undetected until the next morning. Federal authorities investigated Chevron's culpability in the incident — and while the pipeline's failure was chalked up to a freak accident — regulators said the oil company needed better leak detection safeguards in place. Chevron was fined $423,600 as a result.

Less than six months later, there was another accidental release of oil about 75 yards away from the first spill involving the same pipeline. Water left over from a power flush of the pipeline system froze a valve during December, leading it to fail. About 500 barrels escaped from the pipeline, although half of it did not leave a deep vault and none of it spread to the creek.

"We were very, very happy it didn't make it to the creek," Larsen said.

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Groups Urge House to Reject Conservation Cuts

07.25.2011 by Whittney Evans

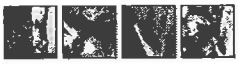
(KCPW News) Conservationists say an appropriations bill the U.S. House of Representatives will vote on this week would mean massive cuts to programs that benefit the Great Salt Lake and surrounding wetlands. Lynn de Freitas, Executive Director of Friends of Great Salt Lake, says those include the North American Wetlands Conservation Act and the Land and Water Conservation Fund.

"This really is a place that dollars actually multiply and the benefits from this kind of fund gets translated into programs, gets translated into jobs, gets translated into habitat protection and enhancement, so it's disappointing to think that this is on the chopping block," says de Freitas.

De Freitas' group and the Utah Waterfowl Association are calling on Utah's Congressional delegation to vote against the measure. She specifically points to Representative Rob Bishop, who has the Great Salt Lake in his district.

"I'm kind of stymied over the demonstration of such vigor to support these massive funding cuts to these very, very important conservation programs that do translate out into multiples of economic dollars for the state of Utah, but also for across the nation," she says.

The group says Utah has received $3.6 million from the North American Wetlands Conservation Act, which has generated local and private contributions of $10.4 million. It says the Land and Water Conservation Fund has paid for 450 projects in the state.



Harrisville residents want something done about sewage backups

August 2nd, 2011 @ 10:30pm
By Mike Anderson

HARRISVILLE, Weber County — Several homeowners in Harrisville woke up to a nasty mess earlier this week as raw sewage flowed into their basements. Now many of them are frustrated at city leaders who are telling them the problem is out of their control.

But both the county and the city governments are blaming the flooded residents' neighbors upstream.

Harrisville resident Judy Lemmon says as the rains came down Monday morning her basement floor drains started overflowing with sewage.

"It was thick, muddy poop," she said. "You know, it was sewer. The whole house smells terrible from it."

Several of her neighbors on Independence Boulevard discovered the same thing. "We were left with just sludge mess," Brandy Seat said.

Now they're asking Harrisville City to fix the problem so it won't happen again, but city leaders say it's not their fault. Even if it was, they say couldn't do anything if they wanted to.

Harrisville resident Judy Lemmon says as the rains came down Monday morning, her basement floor drains started overflowing with sewage.

"The sewer system that backed up is Central Weber Sewer District main line," explained Bill Morris, Harrisville's city administrator.

Administrators say the problem is too many homeowners send their flood waters to the wrong place: down their sewage line. If they would just send them storm drain instead, it would just end up in a retention pond.

Morris says the only thing Harrisville City can do is ask people to stop it. "We're encouraging people who are illegally hooked into the sewer line, please disconnect. Tie into the storm drain line and separate those two systems."

The Central Weber Sewer District has contacted its insurance company, which will review whether affected homeowners will get any compensation.

Lemmon says that provides very little comfort for now. She thinks the city should fix their line so it won't get overwhelmed with county sewage.

"They told us that it wasn't their problem, but it ruined everything in our basement," she said.

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Emma Park drilling: Price decides to go deeper in its quest for new ground water

By KEVIN SCANNELLI
Sun Advocate reporter

Despite hitting some snags and tough rock formations below the surface, the Price City Council gave a green light to continue drilling efforts in the Emma Park area in the city's quest to find another water source for the future.

The city council voted 4-1 in favor of continuing the project with the new details that were presented to them during a special meeting last Wednesday. Councilman Rick Davis voted against continuing the project.

Dr. David Hansen, an engineer with Hansen, Allen and Luce Engineering, gave a presentation to the city council about the current status of the water project. The drilling at well site number one did not produce the results the city or the engineers were hoping for. The well was drilled down to a depth of 1,927 feet and water was found to be in the vicinity of the well. Gary Sonntag, Price City public works director, said the water that was encountered averaged about 50 to 60 gallons per minute which was much less than the city was hoping to see.

"The amount of water was low for what we were hoping to see from the well," Sonntag said in a phone interview on Friday.

The well was also plagued by other findings including fractures found in the rock formations where the drilling was taking place. Also, water samples collected from the well were tested and showed a high degree of silt. These two factors combined and the possible financial obligations working through the problems of silt and fractures were reason enough for the city to scrap well site number one and move on to the second well site, Sonntag said.

"The fractures and the high degree of silt in the water contributed to the poor results of well number one," Sonntag explained. "Those findings did not give us hope for the well and it was not going to be economically feasible for the city to continue working on the well."

The search to find water has moved to well site number two, which is located about one mile east of well number one. At last notice, the drilling at well number two reached a depth of 1,727 feet. The well has been drilled through a sandstone rock layer that has shown some water estimated to be around 50 to 60 gallons per minute, Sonntag said.

The city is looking to tap into the Price River Formation in the Emma Park area where a bigger source of water may be located, said Councilman Richard Tatton.

At depths between 1,600 to 1,700 feet, the contractor, Layne Christensen Company, a Mission Woods, Kan., based company, experienced bridging during the drilling of the well. Bridging occurs during the drilling process when segments in the rock formation fall under the drilling equipment and can affect the work. Sonntag said the contractor was getting concerned about the drill getting stuck inside of the well due to the effects of bridging.

"Bridging runs a real risk of not only getting the drill bit stuck, but it can also break apart in the well," Sonntag said. If a drill bit were to break inside of the well it could require having to start from the beginning and drill a new well, he said.

The city council also approved the contractor to drill down to a depth of 2,300 if it is deemed necessary to find water.

Councilman Davis said he voted against continuing the work on the project, saying the city needed to review the entire project. The risks of drilling and not finding enough water are concerning, he said.

"As with any project you're going to take a certain amount of risk," Davis said. "Maybe we need to think about what we're doing." He suggested the city may need to search for a new well site with well number one not producing the water the city was hoping for.

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Because the city has enough leeway within the budget for the water project, Tatton said the city should continue their search for water in Emma Park.

"Do we just quit now or do we continue to go ahead?" Tatton said. "There are no guarantees but the chances of getting water may be better with well number two."

The drilling work on both wells has used the dual tube method, which is basically a pipe within a pipe. This method has a greater capacity to help separate material from the tube while drilling, Sonntag said. But with the project undergoing change, the drilling method is changing as well. The contractor will now be drilling the well with a rotary drill, which is a process that injects a mud type-cake through the well. This process can allow for retrieving clean and clear samples of the rock cuttings during the drilling process, Sonntag said.

Despite the changes to the project, the city prepared ahead of time with the project budget in the event that problems would arise. The new work will add over $130,000 total to the budget, Sonntag said.

Tatton said the city is working with the contractor on a new contract for the additional work on the project. One of the details included within in the contract states that the city would be responsible for the cost of fixing broken materials (ex. drill bits) during the drilling work. Tatton said it was not that uncommon for a contractor to include such a request in an agreement.

The work on the project will go forward while the city council continues to negotiate with Layne Christensen Company on an updated contract, Tatton said.

The city has already put up about $2.9 million for drilling wells in the area which is being funded from the Community Impact Board with a combination of a grant and loan.

The Emma Park project does have a deadline that must be adhered to as the state water engineer has set a November deadline to show beneficial use.

With both of the wells showing some signs of water, Sonntag said the city should continue on with the drilling at well site number two as finding a new water source would greatly benefit the city in future years.

"The whole objective of this project was to find water," Sonntag explained. "We can't give up now when we run into a little problem here."

The new drilling equipment should be at the site of well number two within the next week, when the work on the water project will continue on, concluded Sonntag.

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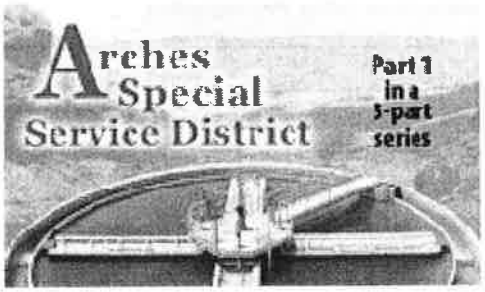
print

New district to bring water, sewer services to north-end properties

by Charli Engelhorn
staff writer
07.21.11 - 09:46 am



During the past several months, county officials and developers have discussed the creation of a special service district to help provide water and wastewater services to the north side of the Colorado River. In the midst of those discussions, questions arose about who would benefit from the district and whether there are political, social, and economic costs for the county and community. Two government agencies, private property owners, and a development firm working on behalf of a major hotel chain are the key players in the formation of the district. This week, The Times-Independent presents the first of three in-depth articles detailing the specifics of the district, examining the vested interests that will be served, and exploring the complicated debate amongst county officials that led to the final approval of the proposal.

Part 1: Moving water

When a government body moves to form a special service district, they are forming a subdivision of the state to serve a special need in a community. The Arches Special Service District was proposed to the Grand County Council as a way to provide municipal water resources to residents and government entities located north of the Colorado River.

"It's a political creation, or a tool really, to effectively organize water and sewer services in the area north of the Colorado River," said Grand County Attorney Andrew Fitzgerald. "Forming a district helps create convenience and order for future water needs in that area if they arise."

The Grand County Council, by a 4-3 vote on July 5, approved a resolution creating the district. That resolution reaffirmed the mission of the district, declaring that "public health, safety, convenience, and necessity require the creation of the special service district." The resolution also defines the services to be provided by the district as water, sewage treatment, drainage, and flood control.

The proposed boundaries for the district surround four main parcels of land – properties owned by Millie McClatchy, the U.S. Department of Energy, some land within the National Park Service boundaries of Arches National Park, and property owned by Trapax Inc., where Canyonlands by Night is currently located. Creators of the district hoped all four entities would agree to be part of the district and use the services provided; however, over the course of discussions, all

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property owners, except Trapax Inc., declined to join the district.

Part of the need for water services on the Trapax property stems from a relationship formed with the Provo, Utah development company Public Development Partners, which intends to build a Marriott hotel complex and possible retail areas on the site, said PDP partner Steve Pitts.

The First Drop

According to Pitts, the idea to create a special service district came about after Preston Paxman, the owner of Trapax Inc. and PDP, under contract for Marriott, approached former Grand County Engineer Mark Wright about the options available for water services for the property of interest.

"Mark introduced the idea of the district to us and asked us to look for a way to help with the water needs for any public and private entities on the north side of the river," Pitts said.

Preston Paxman declined to comment for this article.

The developers approached the Grand Water and Sewer Service Agency (GWSSA) to discuss annexing into the current Grand County Special Service Water District.

"We weren't prepared to have them join our district, but we said we would help them with the process of creating a new district and would continue discussions for a possible operating and maintenance agreement if the district was formed," said GWSSA Manager Mark Sovine.

Sovine said the GWSSA board suggested the new district because getting water to the north side of the Colorado River would be costly and difficult. In fact, according to Moab City Manager Donna Metzler, when the Utah Department of Transportation was building the new bridge on U.S. 191, the city approached them about running a water pipeline across the bridge. Metzler said UDOT declined the request and instead asked city officials to come up with other alternatives for water services.

"Part of the crux is that outside the context of a private water company, there are not a lot of options for water to residents across the river," said Grand County Council chairman Chris Baird.

Pitts acknowledged that if the district had not been approved his group would have to develop a private septic system or gone back to the GWSSA and again try to annex into a current district.

"We just didn't feel it was good policy to have various private entities operating individual systems," Pitts said.

Making Waves

4.10

During discussions in May and June, some county and city officials raised questions about the logistics of the district, including initial capital and operational costs, facility location, and the number of participating entities.

Some of those questions remained unanswered when the council voted to form the district because the analysis had not been completed by July 5, said Bob Springmeyer, of Bonneville Research, who was retained by the proposed district to help represent the district before the council.

"Aqua Engineering is doing the design and cost analysis, but they were not finished in time for the meeting," Springmeyer said. "It's hard to come up with the costs and specifics like that when we don't know where the facility will be and how big it will be."

The district will be governed by an administrative board which has final approval over the different phases and decisions for the district. But until the district was approved, no board existed.

"How can we ask a nonexistent board for decisions so we can move forward with the other essential information," Brimhall said. "I understand that from the developer's point of view, they are asking how much time and money are they willing to put into it without assurance that it will move forward. But it would have been nice if the developers would have provided some location suggestions or alternatives earlier on."

At the July 5 meeting, Pitts said one possible location is a small section of land near Courthouse Wash and U.S. 191 on the northwest corner of the property his company will acquire from Trapax.

Some council members, however, felt too many questions remained unanswered. Council members Baird, Chris Conrad, and Audrey Graham all voted against the resolution, citing the lack of information available.

"This seems like pure speculation that 'if you build it, they will come,' which may be true, whoever they may be, but I don't think it's worth it for the public to put time and money into it," Graham said.

Conrad agreed. "We are speculatively creating a district with speculative parameters," he said.

County council member Jim Nyland said he felt comfortable with the presentation given by the developers.

"I feel like all the questions will be answered during the process," Nyland said.

Besides the question of the facility's location, some county officials said they wanted more information about whether a district should be created for only one participating entity.

"It is not illegal to form a special service district for one entity, but I wasn't

4.11

comfortable starting a subdivision of the state for one developer, which is why I voted against it," Baird said.

Because Arches National Park, the DOE, and the McClatchy Trust all opted out of the district, the remaining participating entities were Trapax, PDP as an interested developer on the Trapax property, and a registered voter who is a long-time employee of Trapax Inc., according to Springmeyer.

"It is fairly accurate to say that Trapax incorporates all of the interested parties at this time," said Fitzgerald. "They are the catalyst group that is getting the district together, but the hope is that people in the geographical area of the district will opt in later or those outside of the boundary will join as a ratepayer for the services."

In a statement delivered to The Times-Independent on July 19, Kate Cannon, superintendent of the Southeast Utah Group of the National Park Service stated that "in the course of the next 10 years, the NPS will act to make improvements to Arches [National Park] water and sewer utility systems unless municipal... services become available." Cannon said the NPS would seriously consider joining the system as a ratepayer if it was affordable.

Even with the possible later inclusion of the NPS, Graham said she still couldn't support the resolution. "The way it is structured at the moment, it seems the district is specifically going to serve one entity... that can apply for public funds," she said. "I have no problem with private people doing private things. But when they bring the public into it, that is where I have a problem."

However, Ed Macauley of the Utah Division of Water, said that public funding was possible but unlikely for such a district because public funding is usually given to communities that need wastewater projects, not private areas under development.

Graham also said she is concerned about the time that will be required to get the district up and running. "County taxpayers will be putting money into it because it will be attorney time, administrative time, planning and zoning commission time, and that concerns me because I am not sure there will be any return to the taxpayers," she said.

Baird said the county will not be responsible for any of the district costs, but agreed that the finances should be figured out quickly.

Downstream

The future of the district will be determined over the next few months or longer as developers wait for approval from the Lt. Governor's office and work to comply with state requirements and county land use codes.

The facility property must go through a subdivision process, a rezoning process, and, finally, conditional use permit public hearings with both the Grand County Planning and Zoning Commission and the county council, according to planning

4.12

manager Krissie Killoy. The planning department has not yet received a completed application from the developers, but Pitts said they are working to deal with flood plain issues and compliance with design and building standards.

"If it [the district] is completed as it commonly is, then the next steps will be to form the governing body, receive the analysis from the engineer firm, review the plans for county approval, and then go from there," said Springmeyer.

The county council will discuss the formation of the administrative board at their next meeting on Aug. 2.

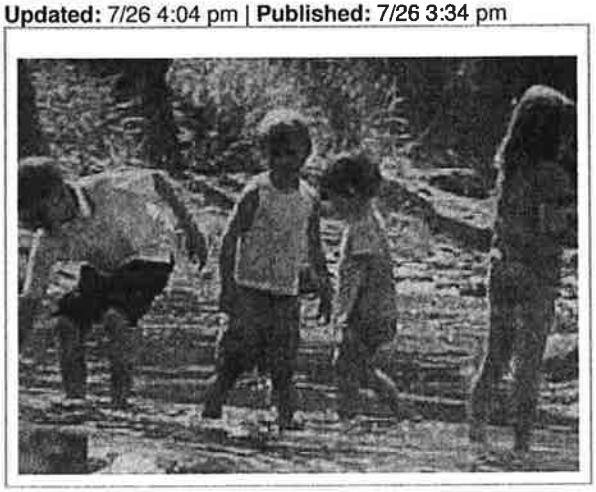
"It is my understanding that state statute really limits who can serve on the board to the property owners, registered voters [within the district], and county officials," said Brimhall, whose office has recommended that the council serve as the administrative board during the initial phases of the district. The council will now decide whether to take on that role. After the district is well established, the council can choose to turn over the responsibilities to an independent board.

"I think where we are at now is figuring out what the board will look like because the pool of people to choose from is very small," Brimhall said. "My preference is for five members to balance out the interests so that the decision-making entity is not heavily weighted in one direction."

4.13

New survey attempts to put a price tag on Utah waterways

Updated: 7/26 4:04 pm | **Published:** 7/26 3:34 pm



SALT LAKE CITY, Utah (ABC 4 News) - The Utah Division of Water Quality wants to hear how much you think Utah streams, rivers, and lakes are worth economically.

A new survey is being sent out randomly to Utahns asking them about what they think Utah waterways are worth. They want to know what Utah lakes, reservoirs, and rivers locals visit and what they do there. Representatives from the Utah Division of Water Quality say that its important to fill out the survey if you get one.

"It may go to people who rarely use rivers and lakes, but we still need them to fill out the survey to let us know how they feel about protecting those waters," Leah Ann Lamb of Utah Division of Wate Quality said.

It will cost money in the future to protect Utah waterways from increasing pollution such as storm runoffs and water from lawn fertilizers. The questions are meant to put a value on Utah waterways to see how much the public thinks Utah should spend on protecting lakes, streams and rivers.

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The Salt Lake Tribune

Ogden gives green light to river development

By cathy mckitrick

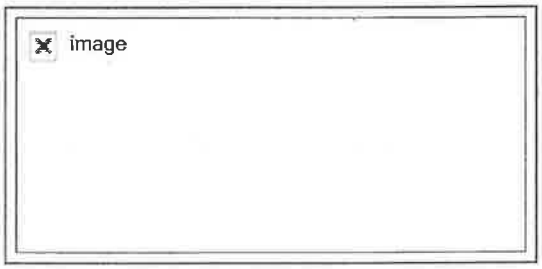
The Salt Lake Tribune

Published: July 13, 2011 07:06AM
Updated: July 12, 2011 10:52PM

Ogden • For close to a decade, Ogden officials have dreamed of a vibrant urban neighborhood enhancing the downtown banks of the Ogden River.

A unanimous City Council vote Tuesday — in its role as the Redevelopment Agency — will allow the stalled Ogden River Project to finally move forward.

Major construction will launch next month as Bluffdale-based South River LLC begins the phased construction of 69 town homes on 4.1 of the 6.2 acres the company intends to develop.



South River project includes townhomes The Ogden City Council considers a mixed-use proposal along the Ogden River by a Bluffdale-based developer.

The development agreement also provides for 125 apartments and 25,000 square feet of retail/office space on the remaining 2.1 acres.

The project is expected to be finished by December 2014.

"This is a fairly significant initial step to the redevelopment project which began in 2002," said Ogden Business Development Manager Tom Christopoulos.

Since that time, the city acquired several parcels in the 60-acre expanse between 18th and 20th streets, Washington Boulevard and Wall Avenue, razing homes and installing roads to make way for a high-density, walkable community alongside the Ogden River.

The 69 town homes will build out in four one-acre phases, Christopoulos said, with the city retaining portions of the land until each phase is 80 percent occupied.

South River — headed by Scott Sauric of Bluffdale and Blaine Walker of Sandy— has requested an extension of eight years on the time that tax subsidies can flow to the developer from the project, pushing the end date out to 2026.

If the extension is granted by the various taxing districts — in particular the Ogden School District — the developer would forego those incentives generated by the increase in property tax revenues from the development. The Redevelopment Agency would receive those dollars instead in exchange for the land.

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While Weber County assessed the land at $2.4 million, Christopoulos said a recent appraisal values it at $1.3 million due to declining property values.

"Any reasonable developer will not pay more for the property than what it appraises for," Christopoulos said. "We are in essence selling it on contract and back-ending the payment."

If the taxing districts refuse to grant the extension, they will forego 70 percent of the increase in tax revenues through 2018 up to $258,952, an amount that South River will pay to the Redevelopment Agency upon gaining control of the second section of property earmarked for apartments and retail use.

An environmental study showed that soil remediation is needed due to its lack of compactiblity. Christopoulos said the city capped its mitigation effort at $400,000, part of which will be paid in cash and the rest in city-provided services to haul off the bad dirt and replace it with good.

"This project has been around for as long as I've been on the council," said Councilman Brandon Stephenson, praising South River for bringing forward a plan he described as both reasonable and aggressive.

Councilwoman Amy Wicks voiced concern over whether the school district would want to forego its share of the development's increased tax revenues through 2026.

"This project has been languishing for a while, and we're in a difficult position," Wicks said. "They've been holding off on receiving those funds with the hope that eventually its going to pay off, and we're asking them to sit and wait."

Wicks cast a "hesitant" yes vote in favor of the agreement and land transfer.

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Reviving the stalled Ogden River Project

Bluffdale-based South River LLC will build 69 town homes, 125 apartments and up to 25,000 square feet of retail and commercial uses on 6.2 acres in the 60-acre Ogden River redevelopment area.

Section 1 • To break ground next month, will consist of 69 town homes on 4.1 acres to be built and sold in four phases.

Section 2 • To launch by mid-2013, will include up to 125 apartments and 25,000 square feet of retail and commercial space on the remaining 2.1 acres.

The entire project is expected to finish by December 2014.

4.16

Ogden bond money for water, sewer projects almost spent - Standard-Examiner

http://www.standard.net/stories/2011/07/26/ogden-bond-money-water-sewer-projects-almost-spent%23.Tjans-Lopyw.printfriendly August 1, 2011

OGDEN -- The city has spent most of the $50 million in bonds issued in 2008 for pressing water, sewer and storm system projects.

The construction of water tanks, the installation of new pipes and other work have already been completed, said Justin Anderson, the city's engineer.

About $5 million in bond money remains, and final projects, including an upgrade of sewer lines along 36th Street, should be finished by the end of 2012, said Anderson, who added that he's pleased with the progress of the work.

"We've been able to accomplish what we set out to do. We've been able to spend money wisely and efficiently to make a positive impact on the city's infrastructure."

Ogden City Councilman Doug Stephens said he also is pleased with the projects that have been accomplished.

"It's a step forward," he said. "The infrastructure has not been improved for quite some time. It not only provides quality of service, it provides more fire-suppression protection. It looks to the future of how we are going to supply water."

The following projects have been finished or are slated for completion:

* **5 million-gallon water tank at 36th Street:** The $2.8 million tank is operational and replaces a pair of steel tanks that were about 80 years old. Grading is under way at the site. Efforts will be made to revegetate the area in the fall and next spring.

* **Rehabilitation of the city's well field:** Six wells have been rehabilitated near Pineview Reservoir for about $900,000. The rehabilitation allows wells that provide drinking water to more than 60 percent of the city's population to operate more efficiently. The city is also looking at adding as many as two wells in Ogden in the future.

* **Installation of equipment to address treated water taste and odor issues:** An $800,000 sodium hypochlorite system will be installed at the city's water treatment plant in the fall.

* **Upgrade of aging water lines:** The city will spend about $1.5 million to upgrade water lines on Madison Avenue near 1500 North; 30th Street and Jefferson Avenue; and along Harrisville Road. Work is expected to be completed by the end of August.

* **Sewer pipe along Wall Avenue:** Existing pipes have been slip-lined for reinforcement at the intersection of 23rd Street and Wall Avenue as well as extended from 26th Street along the length of Wall Avenue at a cost of about $1.8 million.

* **New water lines:** Water lines are being replaced from 28th Street to 30th Street on both sides of Washington Boulevard for about $600,000. Work is scheduled to be completed next

4.17

month.

* **Water tanks east of 9th Street:** A 4 million- and a 1 million-gallon water tank costing $4 million have been installed east of 9th Street.

* **New sewer lines:** 8-inch pipe will be replaced with 10-inch and 12-inch pipe along 23rd Street between Monroe and Washington boulevards at a cost of about $550,000. Work is scheduled to be completed in August.

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Emma Park drilling: Price decides to go deeper in its quest for new ground water

By KEVIN SCANNELLI
Sun Advocate reporter

Despite hitting some snags and tough rock formations below the surface, the Price City Council gave a green light to continue drilling efforts in the Emma Park area in the city's quest to find another water source for the future.

The city council voted 4-1 in favor of continuing the project with the new details that were presented to them during a special meeting last Wednesday. Councilman Rick Davis voted against continuing the project.

Dr. David Hansen, an engineer with Hansen, Allen and Luce Engineering, gave a presentation to the city council about the current status of the water project. The drilling at well site number one did not produce the results the city or the engineers were hoping for. The well was drilled down to a depth of 1,927 feet and water was found to be in the vicinity of the well. Gary Sonntag, Price City public works director, said the water that was encountered averaged about 50 to 60 gallons per minute which was much less than the city was hoping to see.

"The amount of water was low for what we were hoping to see from the well," Sonntag said in a phone interview on Friday.

The well was also plagued by other findings including fractures found in the rock formations where the drilling was taking place. Also, water samples collected from the well were tested and showed a high degree of silt. These two factors combined and the possible financial obligations working through the problems of silt and fractures were reason enough for the city to scrap well site number one and move on to the second well site, Sonntag said.

"The fractures and the high degree of silt in the water contributed to the poor results of well number one," Sonntag explained. "Those findings did not give us hope for the well and it was not going to be economically feasible for the city to continue working on the well."

The search to find water has moved to well site number two, which is located about one mile east of well number one. At last notice, the drilling at well number two reached a depth of 1,727 feet. The well has been drilled through a sandstone rock layer that has shown some water estimated to be around 50 to 60 gallons per minute, Sonntag said.

The city is looking to tap into the Price River Formation in the Emma Park area where a bigger source of water may be located, said Councilman Richard Tatton.

At depths between 1,600 to 1,700 feet, the contractor, Layne Christensen Company, a Mission Woods, Kan., based company, experienced bridging during the drilling of the well. Bridging occurs during the drilling process when segments in the rock formation fall under the drilling equipment and can affect the work. Sonntag said the contractor was getting concerned about the drill getting stuck inside of the well due to the effects of bridging.

"Bridging runs a real risk of not only getting the drill bit stuck, but it can also break apart in the well," Sonntag said. If a drill bit were to break inside of the well it could require having to start from the beginning and drill a new well, he said.

The city council also approved the contractor to drill down to a depth of 2,300 if it is deemed necessary to find water.

Councilman Davis said he voted against continuing the work on the project, saying the city needed to review the entire project. The risks of drilling and not finding enough water are concerning, he said.

"As with any project you're going to take a certain amount of risk," Davis said. "Maybe we need to think about what we're doing." He suggested the city may need to search for a new well site with well number one not producing the water the city was hoping for.

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Because the city has enough leeway within the budget for the water project, Tatton said the city should continue their search for water in Emma Park.

"Do we just quit now or do we continue to go ahead?" Tatton said. "There are no guarantees but the chances of getting water may be better with well number two."

The drilling work on both wells has used the dual tube method, which is basically a pipe within a pipe. This method has a greater capacity to help separate material from the tube while drilling, Sonntag said. But with the project undergoing change, the drilling method is changing as well. The contractor will now be drilling the well with a rotary drill, which is a process that injects a mud type-cake through the well. This process can allow for retrieving clean and clear samples of the rock cuttings during the drilling process, Sonntag said.

Despite the changes to the project, the city prepared ahead of time with the project budget in the event that problems would arise. The new work will add over $130,000 total to the budget, Sonntag said.

Tatton said the city is working with the contractor on a new contract for the additional work on the project. One of the details included within in the contract states that the city would be responsible for the cost of fixing broken materials (ex. drill bits) during the drilling work. Tatton said it was not that uncommon for a contractor to include such a request in an agreement.

The work on the project will go forward while the city council continues to negotiate with Layne Christensen Company on an updated contract, Tatton said.

The city has already put up about $2.9 million for drilling wells in the area which is being funded from the Community Impact Board with a combination of a grant and loan.

The Emma Park project does have a deadline that must be adhered to as the state water engineer has set a November deadline to show beneficial use.

With both of the wells showing some signs of water, Sonntag said the city should continue on with the drilling at well site number two as finding a new water source would greatly benefit the city in future years.

"The whole objective of this project was to find water," Sonntag explained. "We can't give up now when we run into a little problem here."

The new drilling equipment should be at the site of well number two within the next week, when the work on the water project will continue on, concluded Sonntag.

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4.20

Richmond residents unhappy with with new water rates

By Satenik Sargsyan | Posted: Thursday, July 21, 2011 1:00 am

RICHMOND - Richmond residents just won't let go of the water rates issue.

A month after a decision was been made to increase water rates, the residents still used a great chunk of the City Council's public comment portion Tuesday to debate a $12 raise in their water utility bills.

Moments after the resident comments, the council approved the issuance of bonds for the new $5.1 million water project that was approved last month.

According to the council and Mayor Mike Hall, despite the raised costs, the project will save the city money in the long run.

"It's not a matter of 'if' but a matter of 'when.' When emergencies come up, it costs cities a lot more to solve a problem," said Councilman Jeff Young.

The council's 4-1 vote signaled a "go-ahead" to take the loan at a 3.75 percent annual interest rate with a 30-year payback period from the Community Impact Board.

More importantly - and what Richmond residents are more concerned about - the new project has already added $12 to their utility rates at the base 10,000 gallons a month level. And the numbers rise as water usage goes up.

The project was initiated to meet the state fire flow requirements, according to Mayor Mike Hall. If the city comes across a fire situation, the pressure from the new 2 million-gallon water tank will be sufficient to meet the state-mandated requirements.

The residents were concerned the new rates may make water inaccessible for the residents. Richmond citizen Kelly Imaly noted that current rates place Richmond on the top of the list of cities with the highest water rates.

"What are (these other) communities doing?" Imaly asked of the council.

In response, Hall said he anticipated a hike in water prices across the valley as individual municipalities face changing state standards.

"It's not our intention to be the most expensive city," Young said.

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